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F

NO. 85-58545

LEONA MUCKLEROY AND TONY MUCKLEROY	:	IN THE DISTRICT COURT OF
vs.	:	HARRIS COUNTY, T E X A S
R. J. REYNOLDS TOBACCO COMPANY, ET AL	:	295th JUDICIAL DISTRICT

DEPOSITION OF LEONA PEARL MUCKLEROY

COPY

June 19, 1986 Houston, Texas

REPORTED BY: Carol L. Davis

Carol L. Davis Reporting & Video Service
7715 WESTVIEW
HOUSTON, TEXAS 77055
(713) 461-3804

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DEPOSITION OF LEONA PEARL MUCKLEROY

taken on the 19th day of June, 1986, between the hours of 9:55 a.m. and 4:30 p.m., before Carol L. Davis, a Certified Shorthand Reporter and Notary Public in and for Harris County, Texas, in the law offices of Andrews & Kurth, 4200 Texas Commerce Tower, Houston, Texas, pursuant to the following stipulation and waiver of counsel:

IT IS STIPULATED AND AGREED by and between counsel for the respective parties hereto that all objections are reserved until the time of trial, except those as to the form of the question and/or responsiveness of the answer; and that the original transcript of this deposition may be sent to Mr. W. W. Watkins for the purpose of obtaining the signature of the witness thereon before any notary public or other officer authorized to administer oaths; and if the original transcript of this deposition is not signed and filed at the time of trial, an unsigned copy may be used as if it were the signed original.

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APPEARANCES:

COUNSEL FOR PLAINTIFFS:

Mr. W. W. Watkins
Abraham, Watkins, Nichols, Ballard, Onstad & Friend
800 Commerce Street
Houston, Texas 77002

COUNSEL FOR DEFENDANT R. J. REYNOLDS TOBACCO COMPANY:

Messrs. Richard Caldwell
and Thomas M. Farrell
Mayor, Day & Caldwell
1900 RepublicBank Center
Houston, Texas 77002

and

Mr. Peter J. Biersteker
Jones, Day, Reavis & Pogue
655 Fifteenth Street, N.W.
Washington, D.C. 20005-5701

COUNSEL FOR DEFENDANT PHILIP MORRIS, INCORPORATED:

Mr. Jay Gresham
Orgain, Bell & Tucker
470 Orleans
Beaumont, Texas 77704

and

Mr. William G. Zimmerman
Shook, Hardy & Bacon
Twentieth Floor Mercantile Bank Tower
1101 Walnut
Kansas City, Missouri 64106

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COUNSEL FOR DEFENDANT LIGGETT & MEYERS TOBACCO CO., INC.:

Mr. Mike Hogue
Webster & Sheffield
1850 Texas Commerce Tower
Houston, Texas 77002

and

Mr. Lawrence D. Gerzog
Webster & Sheffield
One Rockefeller Plaza
New York, New York 10020

COUNSEL FOR DEFENDANT THE AMERICAN TOBACCO COMPANY:

Ms. Audrey Wilner
and Mr. Lawrence E. Savell
Chadbourne & Parke
30 Rockefeller Plaza
New York, New York 10112

and

Ms. Marcia Graham
Andrews & Kurth
4200 Texas Commerce Tower
Houston, Texas 77002

COUNSEL FOR DEFENDANT BROWN & WILLIAMS TOBACCO, INC.:

Mr. Frank Mitchell
Vinson & Elkins
First City Tower
Houston, Texas 77002

COUNSEL FOR DEFENDANT THE TOBACCO INSTITUTE:

Ms. Lea Courington
Moore & Peterson
2800 First City Tower
Dallas, Texas 75201-4621

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COUNSEL FOR DEFENDANT AFFILIATED FOOD STORES:

Messrs. Dan Goforth
and Joe Sneed
Sewell & Riggs
800 MCorp Plaza
333 Clay Avenue
Houston, Texas 77002

COUNSEL FOR DEFENDANT PRICE AND COMPANY:

Mr. Bill Tolin
Benckenstein, Oxford, Radford & Johnson
Third Floor, Allied Bank Building
P.O. Drawer 150
Beaumont, Texas 77704

ALSO PRESENT:

Mr. Steve Neihaus

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LEONA PEARL MUCKLEROY,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. CALDWELL:

Q Would you state your name, please, ma'am?
A Leona Pearl Muckleroy.
Q And where do you reside, Mrs. Muckleroy?
A [DELETED]
Q Have you ever had your deposition taken before?
A No.
Q Have you had an opportunity to talk with your lawyer about generally about what a deposition is like?
A Yes.
Q And what you should expect and anticipate?
A Yes.
Q You understand that this lady sitting to your left is a court reporter, and she's taking down everything that's being said today?
A Yes.
Q It's difficult for her to take down anything if two people are talking at the same time and get it right, so it's important that I let you

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finish your answers before I interject another question so that she doesn't get the two confused and the reverse is also true. It's important that you let me finish my question before you start an answer. So let's try to do that. Is that all right?

A Yes.

Q It's also important that you speak up and not answer a question by nodding your head or something like "uh-huh" or "huh-uh" because that may get mistranslated. Do you understand that?

A Yes.

Q You understand that you're sworn and this testimony is being given under oath just the same as if you were in a courtroom giving sworn testimony?

A Yes.

Q There are a number of people in the room and you understand that there are what? I guess thirteen different defendants that have been named in your lawsuit. Are you aware of that?

A I wasn't aware of the exact number.

Q You have had an opportunity to read the pleadings in your lawsuit.

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A Yes.
Q And you understand that each defendant is entitled to counsel in the case.
A Yes.
Q Okay. And that consequently, you may have a large number of people here because you have a large number of parties in your lawsuit. Did you understand that?
A Yes.
Q Okay.

MR. WATKINS: In fact, I told her there would be a lot more than this here.

Q It's important that we understand each other. If I in the process of the deposition ask you a question and you don't understand it or if anyone does, would you please speak up and say "I'm sorry, I don't understand that question," so that I'll know that and can rephrase it or ask it in a different way that's more clear to you. Would you do that?
A Okay. I will.
Q Thanks very much. I really need to ask sort of a general question that's usually not asked of a lady and that is, could you tell me when and where you were born, please?

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A Fort Worth, Texas, June 28, 1922.
Q Okay. And give me just a little general information on your educational background. Where did you go to school?
A Sealy High School, business school in Houston, and Lee College.
Q Sealy High School in --
A Sealy, Texas.
Q Sealy, Texas?
A Uh-huh.
Q And you graduated there in what year?
A 1939.
Q And then you went to a business college here in Houston?
A Uh-huh.
Q And what year or years was that?
A Well, I guess it was '40 and '41, I guess.
Q Did you receive some sort of certificate and diploma from that college?
A Uh-huh. Yes.
Q What's that certificate or diploma called?
A I really don't know.
Q What sort of training were you getting there?
A Business.
Q Business?

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A Secretarial and bookkeeping.
Q And did you begin to hold a full-time job after you completed that or did you go directly into Lee College then?
A I got married.
Q You got married?
A Yes.
Q Upon completion of that business college training?
A Right.
Q Did you go to work as well?
A No.
Q And did you hold a job full time from the time you finished business college training until you started Lee College?
A No. I started Lee College just recently, like in the past three or four years, I guess.
Q Okay. When did you hold your first full-time job, Mrs. Muckleroy?
A During the war. Let's see. I got a divorce. This was my first husband.
Q And what was his name?
A Viereck, V-I-E-R-E-C-K. We were married three years. After that, I went to work.
Q And that divorce was what year? Can you tell

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me?
A Oh, let's see. That was a long time ago. I guess '44. I'm guessing.
Q Sometime during World War II?
A Uh-huh. Yes.
Q You went to work in what position?
A I was a ticket agent.
Q For --
A A bus station in Baytown.
Q Bus station like a Greyhound bus station or Trailways?
A No. It was a privately-owned bus station. It bussed to Houston every five minutes. I can't remember the name of it.
Q Can you tell me how long you held that job, please, ma'am?
A Probably about five years.
Q And then what did you do in terms of employment?
A Let's see. I think after that, I went to work for Henke & Pilot as a cashier in the office. Not a checker, but as a cashier, the one in the office. I worked there a year.
Q And do you remember what year that was?
A Not really. After I left the bus station.

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Q Roughly 1950, sometime around there?
A Yes.
Q And what did you do after that employment?
A Then I went to work for Dickson Gun Plant.
Q And what did you do at Dickson Gun Plant?
A I worked in the office. I don't remember my title or anything. It was just office work.
Q But this was after World War II had concluded. Is that correct?
A Well, they were still making guns, so I guess -- I guess they stopped making guns when the war was over.
MR. WATKINS: I doubt it.
A I don't remember. I really don't remember the years. I was there -- I really don't remember how long I was there. I guess three to five years. Maybe three years, but I'm guessing.
Q I'm sorry, I missed your answer. What were you doing there? What sort of work?
A Work in the office. I don't remember the exact title, but I worked in the office.
Q Doing clerical work?
A Yeah.
Q And did you do that throughout the three to five years that you were at the --

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A Probably three years, yes.
Q Did you do that same clerical work throughout that period of time?
A Yes.
Q Is that when you met Mr. Muckleroy?
A No.
Q Had you not met him yet?
A No.
Q You left Dickson Gun Plant, then, after --
A It closed.
Q It closed.
A Uh-huh.
Q At some point.
A Yes. I don't remember when.

MR. WATKINS: Did you leave at the time it closed?

THE WITNESS: Yes.

MR. WATKINS: That will give you a handle on that.

Q Then --
A I went to work for Cleco Division of Reed Roller Bit. It was later known as Dresser. Dresser bought them out. When I went to work for them, it was Cleco Division of Reed Roller Bit.
Q What did you do there?

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A I was secretary to personnel manager.
Q How long were you there?
A Five years.
Q Did you tell me the years, the ending year?
A I can tell you the ending year. I quit when I was pregnant and my son was born 1959, so I probably quit in 1958.
MR. WATKINS: Now we're on target.
Q Did you pretty much hold the same position the entire time that you were there?
A The same, yes.
Q How much were you earning? Can you remember on a monthly basis or hourly basis or something like that at the time you left there?
A I don't know for sure, but probably -- I think it was around four hundred fifty a month.
Q Base salary?
A Yes.
Q Now, you say that you became pregnant and quit right before your son was born.
A Uh-huh.
Q Is that Tony Muckleroy?
A Yes.
Q You did have a child or children by your former marriage.

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A One son.
Q And what is --
A Wayne Viereck.
Q And could you spell that, please, for this lady?
A I did. V-I-E-R-E-C-K.
Q And when was he born?
A Let's see. 19 -- I think 1941.
Q When did you first meet Mr. Muckleroy?
A When I worked for Cleco.
Q Can you tell me about what year you met him?
A Well, I knew all of the employees, because I was in personnel, so I knew him all the time I worked there because he was working there when I came to work there, but we started dating in December of 1956.
Q And when were you married?
A April of 1957, April the 20th, 1957.
Q And you met him or came to know him almost as soon as you started to work at Cleco?
A Right.
Q Had he been married before?
A Yes.
Q Do you know how many times?
A Twice.

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Q Twice.
A No children.
Q No children from either of those marriages?
A No.
Q Did they both terminate in a divorce or --
A Yes.
Q Can you tell me the name of his first wife?
A I don't know.
Q Do you know anything about her at all?
A I know he was married to both about three years. That's really all I know, and I think they're both dead.
Q Did they live here in Houston?
A Yes.
Q Or Baytown?
A No.
Q Lived in Houston.
A Yes.
Q You can't think even of their first name?
A I really don't know. Margie. Margie was the second one, I think.
Q Okay.
A May have been the first one. I wasn't really that interested in his ex-wives.
Q I can understand that, but I still need to

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know.
A I know, but I really don't know.
MR. WATKINS: Was he married a total of three years or three years to each?
A I think three years to each. That, I'm not sure, but I think.
Q Do you know whether both of those marriages, the marriage itself occurred in Houston?
A No, I don't.
Q Do you know whether either occurred in Houston?
A No, huh-uh.
MR. WATKINS: That will be a good chore for your ex-FBI man from Los Angeles to run that down.
MR. CALDWELL: Let the record reflect that I don't know what Mr. Watkins is talking about.
MR. WATKINS: The same one that was checking tombstone inscriptions in Duval County the other day.
MR. CALDWELL: In Duval County, that may have been fun.
MR. WATKINS: Yeah.
Q During your courtship in '56 to April of '57, was there a particular person or were there

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particular persons who were friends of yours that you were very close to that you socialized with?

A No.

Q There's no one at the company that you double-dated with or anything like that?

A No.

MR. WATKINS: You're jumping the gun a little bit, Leona, before he finishes his question.

A I'm sorry.

Q When you were married, can you tell me who married you?

A Well, it was a minister, and I don't even know the name of the church, but his parents were there and his sister was there, and it was a minister in the minister's office, but I don't remember the name of the church, even.

Q Was this his church?

A It may have -- He did not attend church. It may have been the parents' church. It was a church close to where they lived.

Q How was the person selected who married you?

A I think probably his sister.

Q Which one?

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A Bonnie Muckleroy.
Q Why is that?
A Well, she was there, and they made the arrangements and just that's the way she operates.
Q When you say "they made the arrangements," you mean who?
A His family.
Q When you say, "That's the way she operates," would you tell me what --
A She takes care of everybody.
Q Whether they want to be taken care of or not?
A Yes.
Q Did that bother you?
A No.
Q Who stood up with you?
A No one.
Q You didn't have anyone who stood up with you?
A No. It was just -- just the parents and Bonnie and Danny and me and the minister.
Q No friends --
A No.
Q -- of any kind who were there?
A No.
Q Are your parents deceased?

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A I'm adopted. My adoptive mother died when I was three. My adoptive father is still alive. He's eighty-seven.
Q Where does he live?
A In Sealy.
Q How old was Wayne when you got married to Mr. Muckleroy?
A He was born in 1941 and I got married in 1957.
Q About sixteen?
A Yes.
Q And I assume he lived with you at that time.
A Yes.
Q How long did he live with you?
A He got married when he was twenty.
Q And he lived with you until --
A Yes.
Q -- until he got married?
A Yes.
Q Did he and Mr. Muckleroy get along?
A Very close.
Q Was there any discussion of Mr. Muckleroy formally adopting him?
A No.
Q No discussion of that one way or the other?
A None.

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Q Okay. As I understand it, at the time you married Mr. Muckleroy, the two of you then lived in the house which you already owned and had been living in. Is that correct?
A Yes.
Q Okay. And that was a house that you had acquired what? From your parents?
A My father bought the land with money that he had for me.
Q And deeded that to you or deeded it to your former husband? How did that occur?
A To me.
Q To you. And then was the house that you built on the land or --
A Yes.
Q And when was that built?
A I really don't know.
Q Was it built before your first marriage?
A No.
Q Was it built during your first marriage?
A It was -- No. I never lived there with my first husband. Let me think. Just a minute. Maybe -- I'm guessing. No. Let's see. Maybe 1949. I married Ephraim Malone and we started the house then, probably. I'm guessing, 1949.

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I was married for three years. Then I was single for five years.
Q Wait. Malone, did you say?
A Yes.
Q Was your first husband's name?
A Second.
Q So you've had three marriages.
A Yes.
Q I apologize. Let me go back and clear it up. Your first husband's name I am was --
A Viereck.
Q Viereck?
A Yes.
Q And you were married for three years?
A Three years.
Q Your second husband's name was --
A Malone.
Q Can you tell me more --
A Ephraim.
Q Ephraim Malone and that marriage terminated in --
A Three years.
Q Is he still alive?
A I don't know.
Q Now, can you tell me the house that you lived in that you built? Is that a brick house or a

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wood construction house or stone or what?
A It's been built onto several times. It's a wood structure and it's bricked. There's a room built on that is brick. A front has been bricked, a carport has been built on. The back of it is asbestos siding, but it's a wooden frame house. But aren't all brick houses wood underneath?
Q I think so.
A I don't know. I think.
Q As opposed to wood frame house, it's either brick veneer with a wood frame under it?
A Right.
Q And did you put in any kind of insulation at all?
A It's insulated.
Q Do you know with what? Asbestos insulation?
A It's the kind that you buy from a roll. It's not the kind you shoot in. You unroll it. I don't know what it is made out of.
Q Was that put in at the time the house was initially constructed?
A No. The house burned. Don't ask me -- Oh, I can tell you what year.
Q Okay.

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A Okay. Tony was three years old. He was born in '59; '62 the house burned.
Q Completely?
A Inside. And all the sheetrock was torn out and then the insulation was put in.
Q Can you tell me what company did that, what construction company?
A We hired our own contractors, and I really don't know.
Q You don't know their names?
A No.
Q Do you have any records of that?
A I might have.
Q Okay. But some sort of insulation was put in?
A I know it was the rolled kind and stapled in.
Q Do you know anything else about it, what color it was or like the name on it or anything?
A No.
Q The entire house, though, was insulated at that time?
A The walls. The attic was not. I recently put Corning insulation in the attic, last December.
Q How did the fire get started? Do you know?
A Refinishing the floor and it caught fire from the pilot light from the wall heater.

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Q Did you do any other construction on the house after the rebuilding from the fire? After that had been completed, was there any additional construction done?
A We built on a den and a fireplace, and I believe the carport was built after the fire, I believe.
Q And was the den also insulated?
A Yes.
Q Same kind of insulation or different?
A Well, that was done at a later time, after the fire, so --
Q Do you recall whether it was the roll of insulation?
A Yes.
Q Or was it blown in?
A Everything was rolled in. None of it was the shoot kind. Everything in it is the rolled kind.
Q Is the inside, then, sheetrock?
A Yes.
Q Of the whole house?
A Yes.
Q And the ceilings, are they sheetrock?
A Sheetrock, yes. Wood -- Sheetrock on top of

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wood.
Q In your Answers to Interrogatories that you gave us sometime ago, you indicated that you at least knew the address where Mr. Muckleroy lived during some period of time prior to -- I think from '42 up to the point when you were married. Do you recall giving us that information?
A This was the family home,[DELETED] but while we were dating, he had an apartment, and I do not remember the address.
Q What city was it located in?
A Houston. He's always lived in Houston.
Q Do you know how long he had had that apartment?
A No.
Q Okay. Do you have any idea when he left the family home to live elsewhere?
A No, I don't.
Q Did you either while you were dating or after you were married discuss -- I don't mean sit down across the table and discuss but just talk about your lives prior to the time that you were married?
A Yes.
Q I'm going to be asking you questions about --

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some questions about his life prior to the time that you were married, prior to the time that you met. What I'm going to ask you to do is to search your memory, see if he ever mentioned those periods of time to you. For example, I believe you were able to tell us where he went to high school, and I believe you indicated that you knew perhaps his junior high school. Is that information that you recall his having given you or were you able to track that by some record or piece of paper?

A I got the information from his sister.

Q Bonnie?

A Bonnie.

Q Was he close to Bonnie?

A Ah-ah -- They were, I think, about a year apart in age.

Q I meant close --

A Yes.

Q -- in a personal sense.

A She's close to all of her brothers and sisters.

Q Were there others in his family with whom he was very close?

A They were all close, but they were not -- They all cared about each other, but they were not

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visiting -- They didn't visit each other.
Q Except for Bonnie?
A Except for Bonnie.
Q Okay. Is there any other family member that he saw perhaps more than the others, excluding Bonnie?
A Only Bonnie. And his parents when they were alive.
Q There weren't any family -- or were there any family members with whom he was sort of at odds?
A None.
Q Did he graduate from high school?
A Yes.
Q Okay. Did he have any old high school yearbooks or anything like that?
A No.
Q Did he ever take any college courses or go to college?
A No.
Q Do you know what occasioned his change in high schools? Was that a move of the family or what?
A I don't think so. I think one, like you said, was junior high and one was high school. I

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really don't know other than what she told me.
Q Okay. Did he ever talk about any particular activities that he participated in when he was in high school, sports, or band or anything like that?
A Baseball.
Q Baseball. What position?
A He loved baseball, third base.
Q Did he play on the high school baseball team?
A Yes. Hold it. He may or may not have. I don't know. But after high school, they had a baseball team in Houston. I don't remember what it was called, but he played on that team.
Q Professional team?
A Well, he was not a professional. To be a professional, you get paid, right?
Q Right.
A No pay. But it was something --
Q At least that's the idea.
A There was some kind of baseball team that everybody played baseball, and it wasn't the Astros.
Q Or the Buffs? Was it the Houston Buffs?
A I don't know. Did they get paid for playing?
Q I think they did.

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A He didn't get any pay that I know of, but he loved baseball.
Q Any other clubs or activities that you remember his talking about going back to his high school days?
A None that I know of.
Q Did you have a sense of when he first got interested in baseball, when he first started playing?
A As far as I know, he just loved baseball and I guess always, I guess. I really don't know, because I didn't know him that long.
Q Right. Did he continue to play baseball or softball, up to the time when you guys were dating and got married?
A After we had a child that was old enough for Little League, he was an assistant coach and a coach in Little League.
Q Okay. Do you remember what league that was?
A It was in Highlands. I don't know what it was called.
Q It was in Highlands?
A Highlands. That's about -- We live in Lynchburg addition of Baytown.
Q Yes, ma'am.

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A Highlands is about two or three miles north of where we live.
Q Did your son, Wayne, play ball?
A No. Excuse me. He did in high school, but I assumed you meant Little League.
Q Well, I just meant in either.
A He did in high school. He's still playing baseball. He loved baseball also.
Q Did your son Wayne and Mr. Muckleroy play ball together?
A They did out in the yard but not -- not in the game or anything like that.
Q Did your son Wayne smoke?
A No.
Q Ever?
A No. Well, I don't know. He did smoke. Whether he does now or not, I don't know and I don't want to know.
Q When did he start smoking or when did you first learn that he smoked?
A I don't really know. I think -- I'm not sure, but I think it was after he married that he started smoking.
Q And that was when he was about twenty years old.

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A Right.
Q Do you remember whether Mr. Muckleroy ever mentioned any of his -- names of his coaches or friends from his baseball days when he was younger?
A If he did -- He never mentioned any names of coaches. He may have mentioned people that he played with, but I don't remember.
Q Did he retain any contact, you know, as a friend with any people that he had known since high school?
A No.
Q Did he have some particular close friends during the time when you were dating?
A No.
Q Anyone at all that you remember that you socialized with while you were dating?
A We never double-dated with anyone.
Q You never went to anybody's home or parties or anything?
A No. There may have been a company party or two, but nothing other than that.
Q Okay. Any teachers that you can remember his having talked about as having been particularly influential on him?

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A None.
Q Let me back up for a moment. When Mr. Muckleroy was living in the family home, who else was living there? Do you know? Obviously, he lived with his parents. Which of his brothers and sisters were still there?
A Bonnie -- Bonnie may have been there part of the time, and I know that -- I was told that when the sons came home from the war -- I don't know. The older son was married to an English girl. I don't know if they lived there any or not. I really don't know.
Q Okay. Can you tell me about the construction of that house? Is it brick or stone or wood?
A Wood.
Q Do you know whether it has any kind of insulation or not?
A No, I don't know.
Q Okay. Did he ever talk about any particular odors in the family home?
A No.
Q In the house in which you and he lived together, your house, have you ever noticed any particular odors of any unique kind, different than, say, just cooking odors and things of

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that nature?
A Well, there are some kind of odors in this area off and on, but other than that, no.
Q Can you describe the odors in that area to me?
A Between Houston and Baytown, and Houston?
Q You and I know about them, but could you describe?
A Smelly.
Q Offensive smelly?
A Right.
Q Sometimes like rotten eggs?
A I don't know. I'm used to it. I don't think too much about it. Just inhale it and go on.
Q It's more in the winter than in the summer, isn't it?
A I haven't noticed. I really don't know.
Q Okay. Other than those odors which are both inside and outside the house, you don't recall any unique or strange odors inside the house itself.
A No.
Q How close is your home to any of that industrial area on the east side of Houston?
A Do you know where Lynchburg is?
Q And the Lynchburg Ferry?

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A Yes.
Q Yes, I do, but we're taking this down as if we're talking to a judge and jury, and there may be some of those people who don't. How close were you to the Lynchburg Ferry?
A Probably two or three miles.
Q And which direction from that?
A I guess north.
Q Okay. How close are you to that industrial area around the San Jacinto Monument?
A One mile east of the San Jacinto River is where the house is.
Q And how close to the San Jacinto Monument?
A That's the ferry. Two to three miles.
Q Okay.
A Maybe three or four miles.
Q Roughly.
A Right.

MR. WATKINS: You're up toward Highlands?

THE WITNESS: Yes.

MR. WATKINS: That would be more than four miles, I imagine, Dick. I've never been there.

Q Right. I guess your home had central heat and

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air. Is that correct?
A At one time it had a wall heater. After the fire, we put in central heat. Then later we put in central air.
Q Okay. I apologize, but did the fire occur after you and Mr. Muckleroy were married?
A Yes.
Q Okay. Up until that time it had wall heater gas. Is that correct?
A Yes.
Q In each room?
A No.
Q Okay. Was it a central gas wall heater?
A A wall heater in the hall, and it heated the house.
Q With vents in the various rooms?
A No.
Q Just one vent in the hall.
A Yes.
Q Was it the kind where you struck a match and lighted the flame each time you wanted to turn on the heat?
A No. It had a pilot, automatic.
Q And when you turned it on, could you see the flames standing in the hallway or was it hidden

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in the recesses of the structure?
A I don't ever remember seeing any flames.
Q Okay.
A It had a vent, you know, over it.
Q Okay. And the fire started because of fumes from the floor?
A The pilot light and the fumes from the floor.
Q This was fumes from the finish that you were putting on the floor?
A Yes.
Q Do you remember what kind of finish that was?
A No.
Q Can you tell me about when you put in the central air conditioning?
A Probably '63. I'm guessing.
Q Okay.
A It was after the fire.
Q Immediately after or some years after, I think you said.
A No. It was some -- I don't think we put in the air and the heat at the same time. I don't remember. We've got central air now, central heat now.
Q Right.
A And I really don't remember.

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Q But you do recall that first you put in the central heat and then sometime later you put in central air.
A Yes. I'm fairly sure of that.
Q Was your kitchen range a gas range or electric range?
A Both.
Q Okay. Help me out. One range that was both gas and electric?
A At one time we had gas, then we had electric.
Q Okay. Can you tell me about when that change occurred?
A I'm guessing that the electric range was put in about seven years ago.
Q Okay. And up to that time you had been using natural gas range.
A Right.
Q Okay. Why did you switch over?
A I wanted a new stove.
Q How long had you had the gas stove? Same gas stove all that time?
A No.
Q How long had you had the one that you wanted to switch over from?
A I really don't know.

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Q Do you remember what kind it was?
A No. Probably -- No. I would guess maybe Sears. I don't know.
Q Are there some neighbors close to your home that you were particularly friendly with?
A Amy Sanders across the street.
Q And how long has she lived there?
A Well, probably forty-five years.
Q Okay. Anyone else? Any other neighbors that you're particularly friendly with?
A Well, I know the other neighbors and I talk to the other neighbors, but she is my friend.
Q Who do you consider to be your closest friend?
A In the whole world?
Q Yes, ma'am. Outside of your family.
A I have several.
Q Excuse me.
A I have several.
Q Could you tell me who they are?
A Betty Osburn.
Q And does she live here or in Baytown?
A Baytown. Amy Sanders, Lillian Sherman.
Q Does she live in Baytown?
A Highlands.
Q Highlands.

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A Ida Burgin, B-U-R-G-I-N.
Q Where does she live?
A Baytown. Nell Urban.
Q U-R-B-A-N?
A Baytown. Annie Lorie Smith, Baytown. I guess those are the closest ones.
Q And what about Mr. Muckleroy? Can you tell me who his closest friends were?
A Wayne Sanders.
Q Where does he live?
A Across the street with Amy Sanders.
Q Okay.
A Johnny Goodney, next door.
Q Could you spell that for me, please?
A G-O-O-D-N-E-Y, and the men he worked with, but that's about it.
Q Was there any particular person with whom he worked that he was particularly close?
A No one that we socialized with.
Q Anyone that he talked about a lot?
A No one in particular.
Q Did he have anything like a weekly poker game or a regular poker game or something like that with any of his friends?
A No.

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Q Any group that he played baseball with?
A Just Little League.
Q Okay. Not any group his age or roughly his age.
A No.

MR. CALDWELL: Could we take a break for just a moment, please?

MR. WATKINS: Sure.

(Break.)

Q Mrs. Muckleroy, can you tell me, who's Ken Rivers?
A Ken Rivers. I haven't thought of him in years. He was an engineer at Cleco Division of Reed Roller Bit.
Q Was he a friend of Mr. Muckleroy's?
A They worked together.
Q Do you know where he lives?
A I haven't seen him since I left Reed Roller Bit.
Q Well, was he a pallbearer in your husband's funeral?
A No.
Q He was not?
A No.
Q Okay. Who were the pallbearers in your

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husband's funeral? Do you remember?
A I was afraid you were going to ask me that. I don't remember. You know, I was in such a state. Okay. I remember Cody Burgin was one, B-U-R-G-I-N, Wayne Sanders. I can't remember anybody else, and I chose them.
Q Stan Martin?
A He -- No. He came to the funeral, but he was not a pallbearer.
Q Who is Stan Martin?
A He works at Cleco Division of Reed Roller Bit.
Q Do you know where he lives?
A He still works for Cleco -- He still works for Dresser. It's Dresser now.
Q Right. Does he live in the Baytown area?
A No.
Q In Houston?
A I guess, since he works in Houston. I don't know.
Q A Billy Keeling?
A He worked -- He worked at the same place. If I say Cleco, I mean Dresser. If I say Dresser, I mean Cleco. I don't remember his job. I remember him.
Q Do you know him to be a friend of

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Mr. Muckleroy?

A He worked with all of these people, but he didn't socialize with him.

Q There's a Henry what, Trchalek?

A Henry Trchalek is a next-door neighbor.

Q Is that someone that you or Mr. Muckleroy was particularly friendly?

A He was friendly with Henry.

Q Was he a pallbearer?

A He was not a -- He was -- What do they call it? Honorary pallbearer. Excuse me. Johnny Goodney was a pallbearer or honorary pallbearer. I can't remember.

Q I stopped asking you questions about your employment in about 1958, I believe, when you got pregnant and stopped your job with Dresser. Can you tell me when you next were employed?

A I worked as a permanent part-time employee for Reed Roller Bit.

Q And during what period of time?

A Tony was probably -- I don't remember exactly. He was probably a few months old when I went back to work.

Q And for how long did you hold that permanent

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part-time position?
A I don't remember. Probably a couple of years.
Q And what was that? A certain like four hours a day or something like that?
A It was full time, but it was when someone went on vacation, and I just moved from job to job when they needed someone.
Q But it was a forty-hour week.
A Right.
Q Okay. And you were doing sort of a jack of all trades kind of thing in the office.
A Secretarial work.
Q Within the secretarial group?
A Yes.
Q And how much, do you recall, approximately that you were being paid?
A I don't remember.
Q Any range at all?
A I don't remember.
Q But you were being paid on an hourly basis.
A I don't remember that either. I really don't.
Q And why did you leave that position?
A I found a job in Baytown. I was driving back and forth, and I found a job in Baytown at Pace Engineers.

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Q And what was that job?
A Secretarial.
Q And how long did you hold that job?
A They moved to Houston. After they moved to Houston, I worked maybe a year. I don't really remember. Probably about three years.
Q Probably a total of about three years?
A Yes.
Q And how much were you making there?
A I don't remember.
Q What were you doing?
A Secretarial.
Q Pool or for a particular person?
A I think I had two or three engineers that I worked for.
Q And why did you leave that job?
A They moved to Houston and I didn't like to drive to Houston.
Q And did you go immediately into another job?
A I don't remember. I know Tony wanted a paper route, so we did that -- I helped him. He helped me very little, doing the paper route for a year. We did that for a year.
Q Is that a morning paper route?
A It was the -- Let's see. The HOUSTON CHRONICLE.

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Q So it was an afternoon paper route.
A Yes.
Q And you didn't hold any other position while you were helping him with the paper route.
A No.
Q Then after he gave up his paper route, did you go back to work at another job?
MR. WATKINS: He gave up her paper route.
Q That's right.
A I went to work in a little place in Baytown. I can't even remember the name of it. It was run by a lady, and we did bulletins for clubs and I stayed there about a year.
Q Was it like a print shop or --
A We did -- She sold wedding invitations and did bulletins for clubs and -- I guess answering service. I guess that's about it. Bremmer was her name.
Q And you just sort of acted as her assistant?
A That's all I could -- That's the only job I could find in Baytown. I didn't want to drive to Houston.
Q Do you remember what you were being paid?
A No. Very little.

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Q Do you have a period of time fixed now on that job, what year it was or approximately?
A Let's see. About thirteen years ago. Subtract that.
Q And you held that job for about a year, did you say?
A About a year.
Q And why did you leave it?
A I went to work at Baytown. Let's see. It's changed names. It was the -- It's Humana Hospital now. I can't remember what it's called then. Baytown Hospital.
Q Baytown General Hospital?
A Something like that, but it's Humana now.
Q What position did you have there?
A Secretary to the purchasing agent.
Q How much were you being paid?
A I don't know.
Q Can you give me a range?
A I don't have any idea, really.
Q This was a full-time job?
A Right.
Q And how long did you work with that hospital?
A I stayed at the hospital, not in that job. I worked at the hospital for seven and a half

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years.
Q From when? Did you tell me beginning and ending years?
A Thirteen years ago, add seven and a half.
Q You started about '73, you think, and worked until early '80's?
A About that.
Q Okay. We're going to get into this in detail later, but as I recall, Mr. Muckleroy's first hospitalization for the heart trouble was in late '80. Is that correct?
A November the 21st, 1980.
Q Were you working at Humana Hospital at that time?
A I was working for a doctor at the hospital.
Q Are you including that within the seven and a half years?
A No.
Q Using that date as a fix point, can you now tell me, did you quit your position with the hospital sometime during 1980?
A Okay. That's -- I was counting that in, trying to figure up the time. If I left the hospital -- I left the hospital one day and went to work for Dr. Holsomback the next day.

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Q Was that the year, 1980, was that the year your husband had the heart problem?
A No. I must have gone to work for Dr. Holsomback about 1979.
Q Okay. Now, while you were with the hospital, before you went to work with Dr. Holsomback, you indicated that your job changed. Can you give me the sequence of those job changes, please?
A After secretary to the purchasing agent, I was secretary to the director of nurses. Then I went to personnel.
Q As --
A Secretary. I was a coordinator for a while and then I was a secretary.
Q Can you tell me approximately how much you were earning at the time you left the hospital?
A I'm guessing probably $1100 a month.
Q Were you paid on a monthly basis or hourly basis?
A Monthly.
Q Were you entitled to overtime pay if you worked overtime?
A Yes.
Q And did you work overtime?

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A Very little.
Q Then when you went to work for Dr. Holsomback, how much were you earning?
A I think I went to work -- I think it was $800 a month.
Q So you took a $300 a month pay cut?
A Right.
Q Why was that?
A Working in a hospital is not the ideal job.
Q Can you give me a little more --
A Well, the turnover is terrific, and I worked in personnel, and for him I worked four and a half days a week, and it was just a less stressful job.
Q What did you do with doctor or for Dr. Holsomback?
A Insurance.
Q You mean processing insurance claims? Could you tell me a little more than just insurance?
A Processing insurance claims.
Q To recover for patient visits to Dr. Holsomback from their insurers?
A Right.
Q And how long did you hold that position?
A I quit last year.

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Q 1985?
A I think it was April.
Q April of 1985?
A Right.
Q And can you tell me what your earnings were at the time you quit?
A Nine hundred.
Q And were your duties pretty much the same throughout that period of employment?
A Yes.
Q And did you take another job at that time?
A No.
Q You --
A Okay. I'm retired now.
Q Yes, ma'am.
A But I have a job at Mount Batten House, where the Prince visited, in Highlands and I sleep two nights a week.
Q That's sort of just a part-time job for you?
A Right.
Q What does that pay?
A Approximately $300 a month.
Q Are you receiving any kind of Social Security benefits at this time?
A Social Security.

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Q Any other sort of benefits?
A My husband's pension.
Q From --
A Dresser.
Q From Dresser. How much is that?
A A hundred and sixty a month.
Q Pension. And how much are the Social Security benefits?
A Six-o-four, I think. It's six-o-five or four.
Q Any other sources of income?
A Just my savings.
Q You're not receiving any kind of support from either of your children?
A No. Ha-ha.
Q Okay. You were able to give us a little information in your Answers to Interrogatories about your husband, Mr. Muckleroy's employment background. Do you know whether he held any part-time jobs or anything while he was in school before going to work for Dickson Gun Plant?
A I don't know.
Q Are you aware of any position he held prior to his job with Dickson Gun Plant?
A No.

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Q Can you tell me anything about what he did at Dickson Gun Plant?
A They made gun barrels.
Q Did he work in the production of the gun barrels or did he work in an office? Do you have any idea of what he did?
A Production, but what specifically, I don't have any idea specific what he did, but he was a manufacturer of the gun barrels.
Q How, you had also worked at Dickson Gun Plant, as I recall.
A Yes.
Q So you have at least some idea of what went on there. Is that right?
A Yes.
Q Okay.
A I know what a gun barrel looks like.
Q Was he a machinist or was he an assembler or can you give me any information on that at all?
A I don't know. We didn't work there at the same time, and I really don't know. I just know he worked there because we talked about it when we were going together, that we both had worked there.
Q And he worked in production, but you don't know

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what part of production.

A No.

Q Do you remember anything about the premises of Dickson Gun Plant? Was the production within a single large room or was it a series of rooms or --

A There were many buildings. It was a huge place.

Q Okay.

A With many buildings.

Q With production facilities in a number of those buildings?

A Yes.

Q Okay. Can you give me any more information about that? Was there a particular gun being made in each of those buildings or were there particular things happening, like machining in one building and assembly in another building?

A I worked in one of the buildings in an office down in the plant, and that's really the only place I went. You know, I had looked it over, I guess, when I first went out there, but what really went on in all the places, I don't know. I remember seeing gun barrels and I remember seeing gun barrels piled everywhere, but how

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they made them and what went on in all the buildings, I just don't know.

Q And you don't recall Mr. Muckleroy, any conversation or information Mr. Muckleroy may have given you in conversation about what he did while he was there?

A I really don't remember him saying anything about it.

Q Do you know whether he complained about any aspect of that job?

A Not that I remember.

Q Whether he liked it or didn't like it or anything?

A I don't ever remember him complaining about it.

Q Okay. Do you know whether there was any sort of an employment gap between the work at Dickson Gun Plant and the work at Dresser Air Tools?

A For me or for him?

Q For him.

A I don't know.

Q You had indicated that you thought you worked at Dickson Gun Plant until about roughly 1950, as I recall. Maybe four or five years after the war had ended.

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A Okay. I was at Cleco for five years, and if I -- They helped everybody find jobs because the gun plant closed. As I remember, I was working at the gun plant one day and Cleco the next day, and I worked at Cleco for five years, and I quit in 1950 -- My son was born September, 1959, so I quit the first part of 19 -- sometime in 1959. So 1954 is when I went to work for --

Q Cleco.

A Dresser, Cleco. '54, about.

Q So although you didn't know each other, you and Mr. Muckleroy were at Dickson Gun Plant -- There was some overlap in your jobs there. He was there while you were there.

A No.

Q None.

A That's what we figured out. He was not -- He did not work there while I was there. I know that because I discussed that. I might be mixed on some of the years, but I know I left the gun plant and immediately went to Cleco.

Q So he must have worked at Dickson Gun before you left.

A Yes. I left when it closed, so he couldn't

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have worked afterwards.

Q Can you tell me about Mr. Muckleroy's job at Dresser Air Tools? What did he do there?

A He was a machine operator. The specific machines I cannot name, but they made air tools and when he died, he was -- It's probably in that paper. I can't remember what it was called. Salvage. He took the scrapped tools and redid them and salvaged the tools.

Q In other words, tools that didn't meet specifications or something?

A Specifications and reworked them and made them meet specifications.

Q Machined them over again.

A Right.

Q Can you tell me generally what kind of tools we're talking about?

A Like on the -- out on the highway when they tear up the concrete and they go ah-ah-ah-ah-ah, that's an air tool. And screwdrivers and tools to take your hubcap down.

MR. WATKINS: Did you get that down?

THE REPORTER: Sure.

MR. CALDWELL: I was going to ask that but didn't want to interrupt her.

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A Any tool that isn't an electrical tool is an air tool. They made all kinds of tools.
Q Do you know how long, approximately how long Mr. Muckleroy worked machining, or remachining, I should say tools that had been discarded?
A No.
Q Do you know what other kinds of activities he did during his work period with Dresser Air Tools?
A It was all machine operator.
Q Can you recall any discussion with him about any other part of his job other than what he was doing at the time he left there?
A Well, he just made air tools. You know, they make parts, they have different parts and they put them together. But he never worked in assembly, but he made parts for air tools.
Q When you say he never worked in assembly, what do you mean?
A After they made parts, they have to assemble the tools.
Q He worked prior to that, machining?
A He made the parts.
Q The tool or some portion of the tool and then it would go to an assembly area where it would

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be put together.
A Right.
Q The tool.
A Right.
Q As far as you're aware, this is metal machining that we're talking about?
A Correct.
Q Not wood machining or something of that nature.
A Metal.
Q Okay. Did he ever complain of anything about the working conditions there?
A Doesn't everybody?
Q Probably. What did he complain about?
A Nothing in specific, but, you know, just some days would be bad and some days would be good.
Q I guess I really meant, did he complain about it being too dark or too light or complain about it being too hot or too cold or complain -- and that kind of thing?
A They had a nice, beautiful new building, air conditioned, light, a very nice place to work.
Q So he didn't complain about his work environment?
A No.
Q When you say they had a new building, air

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conditioning and everything, was this true throughout his entire history with the air tool company?

A That was -- Cleco moved from Houston. I can't even remember the street, but out on Pinemont and when they moved out on Pinemont, they built a new building. The old building was not air conditioned, for the machinery part. The offices were air conditioned.

Q Can you tell me approximately when that move occurred?

A No.

Q Was it five years before he quit at that job or --

A We were married when it happened, and they were looking for a place to build it and we were hoping they would build it close to Baytown, which they didn't. I remember that, but I cannot remember what year.

Q You can't remember about how old your son Tony was or about how long you had been married?

A I really can't. I can't pinpoint. I know it's been a long time. It's been over five years. He worked there for thirty-five years.

Q You say it's been at least five years ago.

A Over, much over five years. Probably over ten

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years and maybe longer than ten.
Q Okay. Prior to that new building being built, did he ever complain about the work environment?
A No.
Q Okay. Not even about it being too hot or humid?
A Not really. He was used to it.
Q Did he work in a room with a number of other machinists?
A I was only out there two times. They had an open house and then after he died, I had to go out there to pick up his tools, and when I went to pick up the tools, I did not go into the machine shop, so the only time I was there was the open house and if I remember right, it was just one huge --
Q -- room?
A Room.
Q With a number of machinists in the room and other activities, I guess.
A Yes, it was a huge place.
Q Did it look like everybody in the room was doing machine work or was there some other kind of work going on?

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A Like I said, they had to assemble the parts and I really don't know.
Q Did he wear any kind of protective gear or apparatus? Goggles or mask or anything like that in his job?
A Goggles, no mask.
Q I take it the goggles were to keep pieces of metal from flying into his eye. Is that right?
A Right.
Q And was that true throughout the period he worked there, he wore these goggles?
A As far as I know.
Q And as far as you're aware, that's the only kind of protective gear he ever wore on the job?
A Yes.
Q Did he ever talk about any particular odors in the machine shop?
A No.
Q Did he ever work with any kind of chemicals?
A No.
Q Can you tell me what his wage was at the time he left the job?
A I put it down on the papers that you filled out. I think it was $11 and something an hour. I can't remember exactly.

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Q Right. You did. Can you give me some idea of how his wage had progressed from as early as you can recall? Did he have an annual increase in his wage?
A I don't remember. I remember -- I don't remember whether he got one every year or not.
Q Okay. Do you recall about what he was making when you were first married?
A No, I don't.
Q Okay. Have you kept any kind of records, like tax returns or anything of that, like that?
A I have income tax returns. I don't know how far back.
Q Do you have any -- I mean five years maybe or six or ten?
A Don't you have to keep them five years?
Q I don't know.
A In case you're audited. I think it's -- I probably have them back five years.
Q And maybe longer than that?
A I don't believe.
Q Okay. If we needed it, would you have any objection to giving us some kind of release to get records with, past tax records or past employment records?

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THE WITNESS: Do I have any objections?
MR. WATKINS: What? Tax?
MR. CALDWELL: Or past employment records.
MR. WATKINS: We would have no objection to that.

Q Can you tell me what his work schedule was? Was it an 8:00 to 5:00 job or 7:00 to 4:00 or was it split?
A 7:00 to 3:00. 7:00 to 3:00.
Q Five days a week?
A Yes.
Q And was that true as far back as you can remember?
A As far back as I can remember.
Q You don't recall at the time whether he worked the night shift or anything like that?
A No, he did not work shift work.
Q What sort of vacation time was he entitled to?
A I think -- I think he had worked up to four weeks a year. I think that's what it was.
Q Okay. And did he normally take his full vacation time each year?
A Yes.
Q And was there something that you normally did

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during vacation period? Would you take yours at the same time?

A Yes.

Q Were you able to take as much as four weeks off?

A I didn't. I don't remember. I didn't -- I may have taken a few extra days or something, but we -- I really don't remember. I never took off four weeks at one time.

Q Was there anything in particular that you all would do during your vacation each year? Was there a trip that you would take or stay at home?

A We would just stay at home and do what we felt like doing.

Q That's probably the best kind of vacation. Did you ever do any traveling during vacation time?

A No.

Q As I understand, his supervisor at the time he left his employment was J. R. Morris.

A That's what they told me. I called there to find out.

Q Can you recall the name of any other supervisor that he had?

A No.

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Q Was he ever involved in any industrial accident which you are aware?
A I think at one time he cut one of his fingers, but I don't -- I believe that was before we married. As far as I can recall, there was nothing after we married.
Q Never any piece of metal that stuck him or anything like that?
A Well, nothing serious, nothing that I knew anything about, nothing serious.
Q Was he allowed to smoke while he was machining?
A He wouldn't have worked if he couldn't have smoked.
Q Okay. I take it, then, the answer was --
A Yes.
Q He was allowed to smoke while he worked his machine.
A Yes.
Q Okay. Was there any part of the premises there where he was not permitted to smoke, like a lunchroom or anything of that nature?
A I don't know.
Q Do you know when he first became a member of the union?
A I know for a number of years he was not a

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member and when he became a member, I don't know.

Q When you say a number of years he was not, was it like a period of time he was and then he dropped out and went back?

A I don't think so.

Q It was at some point and he went with the union and stayed with the union until he left his employ?

A Yes.

Q Did he attend regular union meetings?

A I don't think so.

Q Did he ever hold any office in the union?

A No.

Q Was there any particular person with the union that you remember him mentioning or discussing?

A No.

Q I see I missed a couple of questions about your employment history that I need to go back and ask you about.

While you were at the hospital that's now Baytown Humana Hospital, while you were there, did you work closely with any doctors there?

A No.

Q Did you ever have occasion to review or look at

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any medical reports while you were there?
A Patients' reports?
Q Yes, ma'am.
A No.
Q Okay. After you went to work with the doctor whose name is escaping me at the moment -- What's his name?
A Holsomback.
Q Did you have occasion to review any of the patient medical reports there?
A I had to do the insurance, so I would have to look at their -- their folders in order to get insurance information. But as far as reviewing the whole smear, no.
Q Did some of Dr. Holsomback's patients suffer from cancer?
A I don't -- I'm sure.
Q But you don't recall seeing any reports of that?
A No specific, no.
Q How about heart problems? Did some of his patients suffer from heart problems?
A Yes.
Q Do you recall seeing any of those reports?
A No reports other than to type up the insurance

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and I had to look at their folders in order to get the days they were there and --

Q But you wouldn't look at the history or anything like that.

A No.

Q Okay. Now, other than baseball and the union, did Mr. Muckleroy belong to any other clubs or organizations of any kind as far as you were aware?

A No.

Q Okay. I think you indicated earlier that he did not have a particular church to which he belonged. Is that correct?

A Correct.

Q Did you?

A Yes.

Q And what church was that?

A Church of Christ.

Q Any particular one?

A Highlands.

Q Highlands Church of Christ. And how long have you belonged to that church?

A The Church of Christ or the one in Highlands?

Q I thought it was the Highlands Church of Christ.

A Well, two Church of Christs.

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MR. WATKINS: That particular one.

A That particular one? Okay. I've been attending there -- Let's see. Probably -- I guess seven or eight years.

Q And prior to that, was there another Church of Christ that you attended?

A Lakewood.

Q Where is it located?

A Baytown.

Q And how long, approximately, did you attend that church?

A Probably eighteen years.

Q Okay. Did Mr. Muckleroy attend church with you?

A No.

Q Was this a matter which you and he disagreed or had any disputes?

A No disputes. I would ask him occasionally if he wanted to go with me, and he would say no and that was it.

Q And you were pretty regular in your attendance?

A Yes.

Q Did Mr. Muckleroy exercise on any sort of regular basis?

A He mowed a half acre, walked behind the --

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walked -- not a push motor but --
Q A power mower.
A Yes.
Q But one which he would walk behind --
A Yes.
Q -- and control.
A Yes.
Q And how often would he do that?
A Weekly.
Q And about how long would that take him?
A Probably an hour, hour and a half.
Q Any other sort of regular physical activity?
A Just during the baseball, you know, he would play baseball when the fathers played and he helped the Little Leaguers play, but no regular get-up-and-walk-down-the-street exercise.
Q Did he ever talk about getting on any sort of regular exercise program or whether he should do so?
A No.
Q Now, let me understand a little bit better. When we say --

MR. WATKINS: Unlike us, I think he did some physical work on the job.

Q I'm sorry, I've forgotten what I started to

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say.

I need to understand a little bit better about what you're saying about baseball. Did he play on a baseball team at some period of time after you were married that played regularly?

A No. The fathers would have a fathers' game, the Little Leaguers.

Q Right.

A Just a game.

Q And that was during the period of time when Tony was playing Little League. Is that right?

A Yes.

Q So that ceased about what time?

A Well, Tony started playing when he was, I think six, and he stopped playing at about, I guess fourteen.

Q And during that whole period of time, Mr. Muckleroy participated as a coach in the Little League?

A As an assistant coach or a coach.

Q One of the two. And I assume that you would go out to the games periodically. Is that right?

A Not periodically. I never missed a one.

Q Okay. Did you go out to practice sessions as

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well?
A Some.
Q Was there ever any discussion with the Little Leaguers about smoking?
A Not that I know of.
Q None that you ever heard?
A No.
Q Nothing about cutting their wind or anything like that?
A No.
Q Did Tony ever smoke?
A No.
Q When he was a kid.
A No.
Q And he hasn't smoked since then?
A No.
Q Did you ever talk to him about that?
A I didn't have to. He hated it.
Q What did he say about that?
A He said he would never smoke.
Q Did he say why?
A Because it kills people.
Q When did he start saying that?
A He was -- Well, he watched TV all the time and he saw all the ads and he would leave notes for

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his dad to ask him to please stop smoking, because it caused cancer.

Q When did he start --

A When he was little.

Q When he was little?

A Yes.

Q When he was in grammar school?

A Yes.

Q Did he talk about that as something that was talked about at school?

A I don't remember. He just has never had any desire to smoke.

Q What did his dad say to him?

A I don't remember. They never sat down and had a discussion about smoking, but -- but he didn't want his daddy to smoke.

Q My son doesn't want me to, either, and he complains about it, particularly at dinner. Did your son ever rag his dad around or give him any trouble about smoking?

A He didn't harp on it. He tried two or three times to get through to him and he knew it wasn't going to do any good, so he gave up.

Q Okay. Was Mr. Muckleroy ever injured playing baseball at all?

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A Not while I knew him. Before, if he was, I never knew about it.
Q What about your son? Was he ever injured?
A Wayne?
Q Either of them, during playing baseball.
A No.
Q Okay.
A Not that I remember.
Q Can you remember whether there was ever any discussion during the Little League games or practices about injuries or how to avoid them, playing baseball?
A I don't remember. When I was there, I was up in the stand, you know. I wasn't down.
Q Did Tony and your husband, Mr. Muckleroy, discuss baseball activities around the house?
A Not as -- Not after they came home. They --
Q Did Mr. Muckleroy watch television?
A Yes.
Q Fairly regularly?
A Yes.
Q What were his favorite television programs?
A Well, he's been dead for two years, and all the programs have changed and I really don't remember.

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Q You don't remember any programs that he watched pretty regularly?
A Well, if he watched what I wanted to watch, we watched it together. If we didn't, I went in the bedroom and watched. And I don't -- I don't remember the TV shows that were on there. I remember way back, Archie Bunker, he didn't want to watch Archie Bunker until I talked him into it.
Q Why didn't he want to watch that?
A He thought they were so silly and he said they can't sing and I said, "I know, I know. That's why it's so funny."
Q And he finally got to liking it, too?
A Yes.
Q Did he watch the news?
A Yes.
Q Can you remember whether there was some particular channel that he would like to watch the news on?
A He watched -- I think he watched -- he watched one channel at the 6:00 o'clock news and another channel at the 10:00 o'clock news and which was which, I don't know.
Q Do you know ever whether any of them had Marvin

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Zindler on them?
A I love Marvin.
Q Do you remember whether either one of them had Marvin Zindler?
A Yes.
Q Do you remember which one?
A I think it's 13.
Q No.
A Don't talk about Marvin.
Q Did he like him also?
A Yes.
Q Most people, I think, get a kick out of him.
A Yeah.
Q Would he pretty much watch television, generally from that 6:00 to 10:00 o'clock period, prime time period?
A Yes.
Q What time did he normally go to bed?
A After the 10:00 o'clock news, he took his bath and went to bed.
Q That was a pretty regular routine?
A Yes.
Q And you say he got off work about 3:00?
A He would get home about 3:30, 3:40 in the afternoon.

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Q What would he do generally between, say, that time and dinnertime?
A Take a nap.
Q Okay. And what time generally was dinner?
A Let's see. Probably around 6:00 o'clock.
Q Pretty much what? After the 6:00 o'clock news or before the 6:00 o'clock news?
A Well, I didn't pay that much attention to the 6:00 o'clock news. I read the paper and he watched the news. So I got my news from the newspaper. So dinner was around 6:00 o'clock.
Q Did he watch news while you were eating?
A Our den and dining room was together, so he would sit and watch TV and eat.
Q Right. Okay. Would he check the TV Guide sort of each night to see what was on?
A He remembered everything that was on. He was my automatic TV. When I wanted to know what was coming on, all I did was ask him.
Q Kind of like father, like son; they both watched TV and knew what was on it. Is that right?
A Tony was not that much of a TV fan.
Q But his dad really was?
A Yes.
Q Okay. Did you go to very many movies?

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A Probably one.
Q In your whole --
A In twenty-seven years.
Q What was that?
A I don't remember. He didn't like to go to movies.
Q So he wouldn't watch movies on television?
A Yes. He said, "Why go to a movie when I can see it on TV."
Q Who was his favorite actor or actress? Do you know?
A If he ever had a favorite, he didn't say.
Q Was there a type of movie that he liked a lot? Like spy movies or spy programs on television or mysteries or police or anything? Can you tell me?
A I don't really know.
Q Okay. Did Mr. Muckleroy do any hunting?
A No.
Q Any fishing to speak of?
A No.
Q He wasn't a sportsman in that sense?
A No.
Q Any canoeing or hiking or anything like that?
A No.

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Q So his outdoor activity pretty much was mowing the yard and the baseball that he was involved in.
A And he had a .22. We have an acre of land and the back half is virgin territory and he might shoot at a -- What are those animals that dig in the ground?
Q Armadillo?
A He might shoot at a possum with his .22.
Q Did he ever hit them?
A Sure.
Q I assume that you had a television set throughout the period of time you were married.
A Yes.
Q Did he also listen to the radio ever?
A Yes. He woke up to a radio. Instead of the alarm going off, the radio came on.
Q A music station or talk station?
A Ben and Bill, KTRH.
Q And he would listen to that what? Until he left for work?
A While he was getting ready.
Q Would he turn on the television in the mornings?
A No.

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Q And would he listen to the radio after -- when he came in in the afternoon?
A No. He took a nap.
Q So it was pretty much radio in the morning and television in the evenings?
A Right.
Q Did he listen to baseball games?
A Definitely.
Q So in the evenings he would have the Astros on the radio and television maybe at the same time?
A No, he didn't do that.
Q He would listen to the Astros game?
A Any sports that was on TV he would watch.
Q But not listen to it on radio.
A No.
Q Okay. Did you have cable?
A We had cable for a short time. When he died, I canceled it.
Q You had it what? Like a year or two?
A Probably. We didn't have the whole smear, just --
Q Sports Network?
A And HBO.
Q Home Box Office?
A Not the X-rated stuff. We didn't have that.

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MR. WATKINS: Why?

A We might have missed a lot and it was much more expensive. And he wanted the sports and I wanted the movies so that was all we wanted.

Q But that was just for a couple of years that you had cable.

A Yes.

Q Did you subscribe to the CHRONICLE?

A Yes.

Q Throughout the period of your marriage pretty much?

A Yes.

Q How about the POST?

A The CHRONICLE got all screwed up on their billing and I had taken the CHRONICLE for what? Thirty years or something like that, so I canceled the CHRONICLE and took the POST.

Q Starting about when?

A Well, after he died.

Q After he died.

A Yes.

Q Ever take the PRESS?

A I remember the PRESS.

Q I do, too.

A It was the PRESS. I liked the PRESS.

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Q Did you ever subscribe to it?
A No.
Q Did he read the newspaper?
A No. He might -- He might have looked through it, but he said he could see the news on TV. Why should he read the newspaper.
Q Did he read the sports page? Probably not.
A He probably did. I think he read the sports page and maybe none of the rest of it.
Q Did you subscribe to any magazines during the period of your marriage?
A Yes.
Q What magazines?
A READER'S DIGEST.
Q For about how long?
A I subscribed to READER'S DIGEST as far back as I remember, but I read it. He didn't.
Q He wouldn't ever read it?
A No.
Q Would you ever point out an article and say, "Hey, why don't you read this" or "You might enjoy reading this"?
A I might have once in a while.
Q Can you remember any particular article?
A No.

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Q Any other magazines that you subscribe to?
A Off and on different ones. I don't remember. But just the READER'S DIGEST was the main magazine.
Q Was there ever a magazine that he read on any kind of regular basis?
A Oh, I subscribed to POPULAR MECHANIC, but he didn't pay too much attention to it so I canceled it.
Q Did you?
A I loved it.
Q Are you a mechanic also?
A I'm just a magazine and book freak. I like magazines and books.
Q Any other magazines that you can recall that would have been around the house?
A Oh, probably McCALL'S, JOURNAL, PREVENTION.
Q SCIENTIFIC AMERICAN?
A Oh, SCIENCE DIGEST.
Q SCIENCE DIGEST?
A Love SCIENCE DIGEST.
Q TIME, or NEWSWEEK?
A No.
Q LIFE magazine?
A LIFE.

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Q These were at various times that you had subscriptions to these while you were married?
A Yes.
Q To Mr. Muckleroy?
A Yes.
Q But none for the entire period except READER'S DIGEST?
A Yes.
Q TRUE?
A No.
Q Ever subscribe to that?
A Yes.
Q NATIONAL ENQUIRER?
A I read it weekly.
Q But you don't subscribe to it?
A I did, but it doesn't ever come on the same day when I get it in the mail.
Q I guess I don't understand your --
A Sometimes it would come on Wednesdays, sometimes it would come on Thursdays, sometimes come on Friday.
Q So you gave up the subscription because of that?
A Right.
Q About how long did your subscription run?
A About a year.

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Q Do you remember when?
A Do what?
Q Do you remember about when that was?
A No. Who would remember anything like that?
Q But pretty much throughout the time that you've been married, you would read the NATIONAL ENQUIRER?
A Not for the whole twenty-seven years. I don't even know whether it's that old or not.
Q But for the last ten or fifteen or so?
A Maybe.
Q Do you also read a lot of books?
A Nonfiction.
Q You subscribe to some kind of nonfiction book club or anything like that?
A Art.
Q Art?
A Uh-huh.
Q An art book club?
A Yes.
Q How long have you done that or subscribed to that?
A This one in particular, probably two or three years.
Q Just the last two or three years.

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A Yes.
Q Any other sort of book club prior to that time?
A Yes. I think at one time or another I probably always had some book club going but different names and I don't remember them.
Q Were there any books that you tried to get Mr. Muckleroy to read?
A I probably didn't.
Q Can you recall whether there were any books that he read?
A No.
Q Do you recall that he did not read any books?
A He didn't.
Q He just didn't like to read.
A Right.
Q Okay. In terms of Mr. Muckleroy's hobbies, did he have any other than the baseball we've talked about and television?
A He did a little woodworking, but mostly just keeping the house in repair.
Q Okay. When you say "did a little woodworking," did he have a little woodworking shop or something, a little shop there at the house?
A He had a table saw.
Q Okay.

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A But probably the last seven or eight years of our marriage.
Q For only about the last seven or eight years?
A Yes.
Q Okay. And what sort of things would he do with that woodwork?
A Well, he made -- you know the Post Office box doors that -- you've seen the banks made out of the Post Office box doors. He made some of those for Christmas presents for Wayne's children and for my dad and for me and we bought a kit for -- I wanted a tea cart and we couldn't find one like I wanted so we bought a kit and we put that together. And mostly he just sawed things to, you know, keep the house in repair.
Q Okay. Gardening? Did he ever do any gardening?
A We tried. We had a little garden, probably twelve by twenty, and we tried once or twice to grow things, but we never could grow anything but weeds.
Q Just didn't have a green thumb?
A No.
Q Was that in recent years or earlier?

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A No.
Q Which?
A Probably when we first got married.
Q How about work on the car? Did he work on his car?
A No.
Q Never did do that.
A Other than change the oil.
Q Okay.
A Wash it.
Q When you say work around the house, is that things like what? Painting and minor repairs or what?
A And remodeling and --
Q He would actually do the remodeling himself?
A Yes.
Q What do you mean by remodeling?
A Well, after the fire, he bought knotty pine cabinets for the kitchen and he built this -- in the middle of the room sink and drainboard. He was very good at things like that.
Q This was right after the fire?
A Yes.
Q What other sort of remodeling had he done subsequently?

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A Oh, we put up some paneling in one room.
Q What kind of paneling? Like wood paneling?
A Yes.
Q Just over the --
A Over the sheetrock.
Q What other sort of remodeling?
A We built a building in the back.
Q Sort of a shed-like building? Attached to the house?
A No.
Q Or free-standing?
A Free-standing.
Q What was the purpose of that building?
A It was supposed to be my art studio, but it was a junk room. Wound up as a junk room.
Q About when did you build that?
A Oh, this was probably -- I guess about fifteen years ago. I don't know exactly.
Q Any other house remodeling that you can remember that he did?
A No.
Q Would you periodically repaint the walls in your house?
A Yes.
Q Would you do that?

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A Both of us would.

MR. WATKINS: We might regard putting siding on your house as remodeling. Did he actually put the siding on?

THE WITNESS: Yes.

Q That's the exterior siding?

A Yes.

Q Was this before you put the brick on it?

A This was before we built on, before we put the brick.

Q And that was the asbestos siding that you were talking about?

A Yes.

Q About roughly when was that?

A Okay. This would have been right after we married and we married in '57. Probably '58 or '59.

Q Covered the whole house?

A Yes.

Q And he did that pretty much by himself?

A Yes.

Q Then when you did the brick veneer and added on or the brick over part of that siding, did he do that or was that done by somebody else?

A We bought the material and hired someone.

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Q Okay.
A We were our own contractors and we hired it out.
Q Did he put any of the insulation in, "he," Mr. Muckleroy?
A No.
Q Any sort of major thing with respect to the house, construction, was the siding that he put on.
A And the kitchen cabinets.
Q The kitchen cabinets. Back to the painting for just a moment. About how often would you do some painting on the house?
A Oh, I really don't know. Maybe every three years or something like that.
Q Did he paint all the rooms on the inside?
A Yes.
Q Do them pretty much at the same time?
A No.
Q Do them as they needed it?
A Yes.
Q And were you using a water-base paint or oil-base paint?
A Water-base.
Q Do you recall whether early after your marriage

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in terms of painting you may have been using oil-base paint?
A Water-base is much easier to wash out the brushes.
Q Right. I have a vague recollection of there not being water-base paint at some point.
A I don't remember. I really don't remember.
Q Okay.
A I don't remember using any.
Q Okay.
A But I know whenever water-base paint was available.
Q Would you use water-base paint on your woodwork also?
A Yes.
Q As well as on your walls?
A Yes.
Q Do you know what kind of paint?
A No. Probably Sears or Montgomery Ward. The last I bought was from Montgomery Ward.
Q Did Mr. Muckleroy, was he a man who liked to cook, do any cooking?
A Yes.
Q About how often would he do the cooking?
A Well, maybe once a week.

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Q Was that in the kitchen, was that barbecuing, grilling kind of thing?
A No. Once in a while he would barbecue outside but not in the kitchen.
Q Most of his cooking once a week was in the kitchen itself.
A Right.
Q But only on occasion would he barbecue or grill out?
A Occasionally.
Q Did he have one of those gas grills?
A Gas.
Q When he was putting up the asbestos siding, did he use any kind of protective gear? Did he wear a mask or anything?
A I don't think so.
Q Okay.
A I don't remember any.
MR. WATKINS: I think back then Johns-Manville was claiming like the tobacco people are now, that their product wasn't harmful.
A That's what it was, too. It was Johns-Manville siding.
Q It was Johns-Manville siding.

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A Yes.
Q When he would do his woodwork, did he have any sort of protective gear or mechanism?
A No.
Q Did he take any particular precautions of doing any of these kind of around-the-house activities that we've been talking about?
A What do you mean, "precaution"?
Q Like wearing goggles when he mowed the yard or anything like that?
A No.
Q Okay. Did Mr. Muckleroy play cards at all? Did he ever play poker or anything like that?
A We got on a Yahtzee kick one time.
Q A Yahtzee kick.
A Yahtzee.
Q Who did you play with?
A He played with me, I played with him.
Q Other than that, did you ever have any card or Yahtzee games with friends?
A Oh, a long, long time ago, let me see, we had this couple that we played cards with, and that was probably -- that was before -- before I got pregnant.
Q Okay.

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A But they moved and -- I mean, that lasted for about a year, but we would play cards every Friday night, but that was for about a year before I got pregnant.
Q Were you all ever in Las Vegas or Atlantic City?
A No.
Q Did he ever play -- go to the horse races, as far as you're aware?
A No.
Q Or played a lottery or anything like that?
A No.

MR. WATKINS: What could that possibly have to do with cancer and heart attack, playing the lottery? Something must be sacred in this world.

MR. CALDWELL: The lottery.

THE WITNESS: He just wants to know if he won anything.

MR. CALDWELL: Listen, your client understands better than you do, Mr. Watkins.

MR. WATKINS: No, she doesn't. She really doesn't.

Q Did he consume alcohol at all?
A He may -- Averaging it out, maybe a beer a

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month.
Q Very, very, very light drinking?
A Be probably less than that, yes.
Q Did he ever have a beer while he was driving anywhere?
A No.
Q He wouldn't do that. Did he wear a seat belt?
A Well, the law --
MR. WATKINS: Don't answer that crazy question. Good God Almighty!
A That is kind of stupid.
MR. WATKINS: Don't tell him that. Let me tell him that. Go on to something else. Good God Almighty!
Q Did he ever get any speeding tickets?
A He may have gotten one, maybe two. I don't remember. Maybe none.
Q Okay.
MR. CALDWELL: Will, you'll be happy to know that I'm about to go into medical history.
MR. WATKINS: I hope so. I'm about to go into a medical problem.
MR. CALDWELL: Let me have about four or five minutes.

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MR. WATKINS: We can take a break.

MR. CALDWELL: It's close to lunch. Let me take four or five minutes and see if my colleagues want to go into something nonmedical.

MR. WATKINS: Then we'll just step out.

(Break.)

MR. CALDWELL: I have just a few questions and we'll take a lunch break, if that's okay.

Q Did Mr. Muckleroy ever fertilize the lawn?

A He may have. I don't remember.

Q Treat it for cinch bugs or anything like that?

A I don't remember.

Q You don't remember him using any kind of chemicals on the lawn at all?

A I don't remember him using any.

Q How about when you were trying to garden? Ever use any insecticides?

A We may have used a little fertilizer right at the beginning when we started to, but we just gave up on that. We couldn't grow anything.

Q Did Mr. Muckleroy do the refinishing on the floors when that fire occurred?

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A Yes.
Q Did he sand the floors first or buff them or something first?
A Sanded it.
Q With a hand sander or electric?
A No. The big sanders that you rent that has the big bag on it. A regular floor sander.
Q And then he put the finish down?
A Right.
Q Was he in the house when it caught on fire?
A He had just stepped outside.
Q Was this during the day?
A Yes.
Q Was anyone in the house?
A My son and I.
Q And you all got out quickly?
A He was dyeing Easter eggs.
Q You were dyeing Easter eggs and where did the fire start? In the hallway?
A In the living room.
Q And you all got out as well?
A (Nodding head.)
Q So no one was in the house when there were a lot of flames?
A The flames came through the door, it exploded

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and I grabbed my son. He was only three. And the flames were coming behind us.

Q Mr. Muckleroy was already outside?

A He had gone outside to wash a brush or something.

Q Was he smoking while he was buffing the floors?

A No.

Q Did he ever visit you or come to Dr. Holsomback's office not as a patient but to pick you up or anything like that?

A I don't remember any time.

Q Did Dr. Holsomback smoke?

A No.

Q Did he have "No Smoking" signs in his office?

A Yes.

MR. CALDWELL: Okay. I think if it's all right, let's take a lunch break.

MR. WATKINS: Sure. How long do you want to take?

MR. CALDWELL: Suit yourself. Take an hour, hour and fifteen minutes.

(Lunch break.)

Q Mrs. Muckleroy, we're back on the record after a break for lunch, and I want to talk to you now about Mr. Muckleroy's medical history as

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best we can, and you've given us some information in your Answers to Interrogatories, which I appreciate it. Obviously, you've taken some effort to put it together.

MR. WATKINS: She did pretty well on that, didn't she?

Q I'm sure you didn't have any help from the old man on your right.

A Really didn't.

Q Let's talk for a few minutes about Mr. Muckleroy's medical history prior to the time you met him, and I'm sure you don't know much about that, but I want to find out what you do know. Can you tell me what you know about the injury to his head and the seizures that he had when he was younger?

A I just know that they had a car wreck and he had an injury and after that he had seizures. That's all I know.

Q But do you recall about what age he was?

A I think thirteen. I'm not sure about that.

Q And did he indicate to you how long a period of time he had seizures thereafter?

A Okay. When we were going together -- I don't know when he had his last seizure, but when we

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were going together, he was on medication. When we got married, he stopped the medications, and he never had any seizures or no more medication after that, but they told him he would outgrow it.

Q Would outgrow it.

A Yes.

Q Do you recall what the name of the medicine was?

A Phenobarbital.

Q Do you know what doctor prescribed it for him?

A No, I don't know.

Q At the time you were dating, did he see a doctor periodically for the seizure medication?

A Not that I know of. I don't really know.

Q Did he ever describe the seizures to you?

A No.

Q Were they like epileptic seizures?

A Yes.

Q Do you know the term grand mal or petit mal?

A Petit mal.

Q You do know the terms?

A Yes.

Q Did he describe it as being one of those?

A I don't know.

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Q Did he talk to you ever about what the seizures were like or how he would feel after them or anything of that nature?
A No, because I think it had been so long since he had had one and he probably told me when the last one he had was, but I don't remember. But as far as I know, he hadn't, you know, and he didn't have them very often. Just once in a while.
Q Did he say why he was going to go off the medication?
A He said he didn't like the way it made him feel.
Q Did he describe what he didn't like about the way it made him feel? Was he dizzy or drowsy or anything like that?
A I don't know. He just said he didn't like the way it made him feel and he didn't feel he needed it anymore and he stopped.
Q Did he go to a doctor before stopping?
A No.
Q Did he say anybody, any doctor told him he needed to stay on it for any specific period of time?
A No.

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Q But he had been on it, as best you're aware, he had been on it since the time of the seizure?
A I don't know how long he had been on it.
Q You don't know whether he stopped and then started taking it again.
A I don't know.
Q But you know he was taking it when you started dating?
A Right.
Q Did he mention any other kind of childhood diseases that he may have had?
A I can't think of anything.
Q It was the head injury and the seizures that followed that that kept him out of the service. Is that right?
A Right.
Q And can you recall any discussion at all, anything at all he may have said about his health, anything else he may have said about his health prior to the time that you met him?
A No.
Q Okay. From the time that you met him until the time that you were married, just in that -- what was that six or seven months period in there, dating, I mean, do you know whether he

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saw a doctor for any reason at all?
A I don't know.
Q Then after you were married, can you recall, did he see a doctor for things like colds or anything like that -- I want to take the gap of time from when you were married in '57 up to -- Let's take it first '57 to like '71. I think that was when he had a hernia problem. Between that period of time, did he see a doctor periodically for any reason at all?
A He would see a doctor once in a great while, maybe every couple of years or something like that, if he got a cold. Sometimes he could shake it off and sometimes it would get into his chest and he would have to have, you know, some help to get rid of it.
Q What doctor would he see during that? Was there somebody that he used like a general practitioner or something?
A He saw Dr. Hughes for the hernia operation and if during that time he had seen a doctor for a cold, that's probably who he would have gone to.
Q Dr. Hughes.
A Yes. That's in your papers.

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Q Right. Okay. Why do you say if he had seen someone for a cold, it probably would have been Dr. Hughes?
A Because I don't remember him having seen -- He may not have seen anybody during that period of time.
Q During that same period, '57 to '71, did you have occasion to see a doctor for a cold or something like that?
A If I had gone to anybody, I would have gone to Dr. Hughes.
Q Okay. Why?
A Well, he was in Baytown and I don't remember. I think I was -- maybe Dr. Hughes was my doctor before we got married. I don't remember.
Q Right. Okay.
A But I didn't go to a doctor that often either, so --
Q Did either one or both of you have some sort of health insurance through your job?
A He had health insurance at the job. I also did where I worked at the hospital, but I had it only for myself.
Q The health insurance that Mr. Muckleroy had on his job, was that on both of you?

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A And Tony.
Q The family. Can you recall whether Dr. Hughes ever told Mr. Muckleroy that he ought to quit smoking?
A I don't know.
Q Never was discussed whether or not Dr. Hughes said that to Mr. Muckleroy, was never discussed in your presence or --
A I never heard anything like that.
Q Do you recall whether Dr. Hughes smokes or not?
A I don't know.
Q But his office has "No Smoking" signs, doesn't it?
A I don't know, because he has -- he didn't see him anymore after that for all of those years, and I don't remember that far back.
Q Okay. Why did you or your husband stop seeing Dr. Hughes after '71?
A Well, after I said that, I was thinking. He did see him for colds and he would give him a prescription and then every once in a while he would have to go in to get the prescription renewed, and I don't remember what he took. Something for colds, but he never did go very many times.

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Q Do you recall an occasion in February of '69 when Mr. Muckleroy went to see Dr. Hughes because of a sore throat, a sore chest and a backache, cough, watery eyes due to a compound dust that he had inhaled while buffing?
A I don't remember that.
Q You don't remember that incident at all?
A No, sure don't. Buffing what?
Q Well, I don't know.
A I don't remember that.
Q The medical records said just what I said to you.
A No, I don't remember that.
Q As far as you are aware -- Well, I guess it could have been buffing around the house or buffing on the job as well, couldn't it?
A Maybe it was that floor, when he sanded the floor. I don't know. I really don't remember. But when he was in the hospital with the hernia operation, he had a back pain then and he was put in traction at the same time.
Q That was the left shoulder and neck pain.
A I don't remember.
Q Okay. Did he also have a cough at that time?
A He had a cough when we married.

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Q When you say he had a cough when you married, would you describe what you mean by he had a cough? Would you tell me how often he coughed. I don't mean exactly. Describe it generally.
A Well, he just coughed. When he would get up in the morning, he would cough; when he got up in the middle of the night, he would cough and spit.
Q So it wasn't a dry cough. When he would cough, he would spit something up.
A He would spit.
Q Did he complain about that?
A Said he had a slight cold.
Q That was when you got married. Is that right?
A (Nodding head.)
Q Did he cough all the time?
A For twenty-seven years.
Q Every day?
A Yes.
Q And he said he had a cold?
A Yes, for twenty-seven years.
Q What did you tell him about that?
A I said, "You don't have a cold for ten years; you don't have a cold for twenty-seven years.
MR. WATKINS: Nag, nag, nag.

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A I said, "That's the way cancer starts, and you ought to try to stop smoking."
Q What did he say?
A He said he would try to stop smoke smoking.
Q Throughout that twenty-seven years, would it be a wet cough all the time? He would spit something up every day?
A It gradually got worse over the years.
Q Meaning the volume that he was spitting up would grow?
A I never saw what he was spitting up.
Q Right.
A But he would cough more and cough harder.
Q Okay. Is it fair for me -- Well, you tell me, did he ever have a cold, in your opinion?
A Yes.
Q Sometimes he had a cold?
A Yes.
Q But not a straight cold for twenty-seven years.
A No.
Q Now, you were telling him it was smoking. He ought to stop smoking.
A Yes.
Q Do you know whether any of the doctors that he was seeing told him that?

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A I wouldn't go in with him, you know, and I don't know what they told him.
Q How did you know that that was how cancer started?
A I know that cigarettes cause cancer and I know that you get bronchitis and you cough and you spit when you smoke.
Q And how did you know that cigarettes cause cancer?
A I'm no doctor.
Q I know that, but you were saying to him, "Look, that's how cancer starts." How did you make that connection?
A All the doctors that ever talked to him after he got the cancer, the first thing they would ask was, "Are you a smoker?"
Q Actually talking about back from the first time you got married.
A I don't really know. Just from things I read, I guess.
Q Okay. Did he see a dentist periodically?
A Occasionally. Not every year or every six months but occasionally.
Q Just when he had a filling that he needed taken care of or something of that nature?

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A Yes.
Q Do you know the name of the dentist?
A Dr. Herndon and I believe he -- Before he died, I believe he also went to Dr. Sutton.
Q Where is Dr. Herndon located? Baytown?
A Highlands. Both doctors are in Highlands.
Q In Highlands. Do you know their first name?
A No, but the only two by that name in Highlands.
Q And both doctors are still there?
A Dr. Herndon retired. Dr. Sutton is still there.
Q Do you know whether they ever discussed smoking with him?
A I don't know.
Q Did he ever complain about his teeth being yellow or his breath or anything?
A Well, he took very good care of his teeth. He had a plate, front plate, and he took very good care of his teeth.
Q Was he aware that some of the stain on the teeth was coming from cigarette smoke?
A I don't know.
Q You never discussed that with him?
A No.
Q Okay. Did he have any kind of surgery at all

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on his neck during that period of time when he went in for the hernia and the neck problem?
A Traction.
Q Just traction?
A Yes.
Q Didn't do any sort of incision at all with regard to the neck?
A No.
Q Okay. How long did he continue to have the neck problem?
A Well, he had a traction contraption that he used at home, and I really don't know how long it lasted. He used it --
Q Almost a year?
A I don't think it was that long.
Q Six months maybe?
A I don't really know.
Q Okay.
A He would use that occasionally.
Q He didn't use that every night?
A I don't really remember. It was so long ago. I just remember he had it and he used it.
Q Okay. Did he complain about it?
A No.
Q Having to use it?

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A No.
Q Did he complain about the neck pain during that period of time or shoulder pain?
A I don't remember. He probably said it hurt. I don't -- I just -- He wasn't really much of a complainer.
Q Okay. Now, I want to take the period of time '71 up to the latter part of '80, but without getting in just yet to that November, 1980, from that period. Can you recall any particular health problems?
A I don't recall anything except an occasional cold.
Q Okay. Did he during that time frame -- or actually let me broaden that now and ask you some series of specific questions. Did he ever have a substantial weight gain or loss, big swing in weight during that period, from the time you knew him, up to right before November, 1980?
A Not until after the cancer.
Q Okay. We've talked about some neck and shoulder pain. Did he ever complain of any other muscle soreness or spasms or anything of that nature?

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A Well, after he worked in the yard, you know, he might have been sore or something like that, but nothing outstanding.
Q Did you or he ever notice any -- and the time frame again I'm talking about is when you first started dating, up to November of '80 -- notice any changes in any moles or warts or birthmarks or anything like that on his skin?
A No.
Q Did he ever have any blackouts or dizziness of any kind in that time frame?
A After we married, no. Prior to that, the seizures, and I don't know about that.
Q How about headaches? Did he ever complain of headaches?
A No.
Q Insomnia? Did he ever go through periods where he couldn't sleep?
A No.
Q Shortness of breath? Did he ever complain that he was short of breath?
A Not until after cancer.
Q Did you notice whether he was indicating any shortness of breath --
A No.

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Q -- before that?
A No.
Q Just pains? Did he ever complain of chest pains?
A Not until November 21, 1980.
Q Okay. Allergies. I understand he was allergic to penicillin. Is that correct?
A Yes.
Q Other than that, did he have any particular allergies? In hay fever season, was he affected by that?
A No.
Q Was he ever tested for allergies?
A There was no need.
Q Did he ever have any high fevers that weren't related to a cold?
A Only a cold.
Q Did he ever have appendicitis, or do you know?
A I don't -- they probably took his appendix out when he had a hernia operation, seems like, but I think he had a hernia operation before the one in what? '79?
Q Back in 1943 he may have had a hernia operation. You think perhaps they took his appendix out at that time?

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A I don't know.
Q That's what you were just talking about was '43?
A They're supposed to. They're supposed to take them out when they operate, and seems like he told me that they had had -- I don't remember, but it seems like he had had it taken out.
Q Asthma, did he ever complain about asthma at all?
A No.
Q As far as you're aware, he never suffered from diabetes?
A No.
Q Do you know whether he ever had diphtheria shots or had diphtheria?
A I don't know.
Q Ear trouble? Ever complain about ear trouble?
A Not that I remember.
Q Gout? Never complained about gout at all?
A No.
Q Any kind of skin growths?
A No.
Q High blood pressure?
A No.
Q Hemorrhoids?
A Never said anything.

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Q Indigestion? Did he have indigestion?
A No.
Q Never took Tums or Rolaids or anything?
A No.
Q Up to 1980, any sort of nutritional deficiency?
A No.
Q Kidney problems? Did he have to urinate frequently or anything like that?
A No.
Q Any sort of liver problems?
A No.
Q Rheumatism?
A No.
Q Any kind of stomach problems, ulcers, anything like that?
A No.
Q Vascular problems of any kind, blood system?
A No.
Q Any virus or infections that you can think of?
A Is a cold a virus?
Q Other than colds.
A Colds.
Q Okay. What sort of over-the-counter remedies would he use when he got a cold?
A He would take -- Well, Carter's Little Liver

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Pills, that's not for a cold. He would take that every once in a while for pain in his back, said it helped his back. But he would never take much medicine, just the prescription medicine.

Q When he got a cold and didn't go to the doctor, would he take something like Contac or something of that nature?

A I just don't remember.

Q Okay. Did he ever see a psychologist or psychiatrist or counselor?

A No.

Q As far as you're aware? Chiropractor or osteopath?

A No osteopath and I can't remember --

Q For his back problems, did he ever see a chiropractor?

A Yes. Seems like -- I don't remember. I know I went, but I can't remember whether he went there or not.

Q Who did you go to?

A Dr. Johnson in Baytown.

Q Do you remember his first name? About when was that? After you were married that you went to see Dr. Johnson?

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A Yes.
Q That was for back trouble?
A Back pain.
Q Did he help you?
A Yes.
Q Did you discuss that with Mr. Muckleroy?
A Discuss what?
Q The fact that Dr. Johnson had helped you with your back pain.
A I don't remember, but I'm sure I did. I could hardly walk in and I walked out fine.
Q My dad had the same experience with a chiropractor. Did you ever suggest to Mr. Muckleroy that maybe he go see Dr. Johnson?
A He didn't have that much back pain. The one time he was in the hospital was the worst time and he got over it and every once in a while he would have a little back pain from mowing and things like that.
Q You just don't know whether he ever saw Dr. Johnson or a chiropractor.
A I just don't remember. If he did, maybe once or twice or he may not even have gone at all.
Q Okay. Now, with respect to the November, 1980, hospitalization, can you tell me kind of what

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led up to that?
A What happened, you mean that day?
Q Well, or the day before or two days before. When did you first or either you or Mr. Muckleroy notice any kind of a medical problem or what turned out to be a medical problem?
A Nothing happened until that day.
Q November 20th --
A -- 1st.
Q -- 1st. What happened that day?
A I came home from work. He was sitting on the side of the bed. I walked in and he said, "I have pains in both of my arms."
And I had just come home from work from my doctor's office and I said, "Why didn't you call me?" So then I called Dr. Holsomback. He was gone. I called Dr. Dowdell at home, and he said to meet him at the hospital.
Q What hospital?
A Humana.
Q Where did you know Dr. Dowdell from?
A Dr. Dowdell was at Humana, and I went to Dr. Dowdell occasionally, so did my husband occasionally and he also saw Dr. Hilyer; and he

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moved to Houston, and all of our records were transferred to Dr. Dowdell.

Q Okay. So Dr. Dowdell or Dr. Hilyer or both had had some knowledge of your husband's -- wasn't the first time that Dr. Dowdell saw him, November 21st?

A Well, he may have seen him before that but for colds only.

Q And you met Dr. Dowdell. Did you drive your husband to the hospital or did he drive?

A I drove.

Q Was he saying he couldn't use his arms or what?

A He could use his arms. He just said he had pains in both arms.

Q And did you go with him? Did he check into the emergency room or what?

A To the emergency room.

Q And were you with him while Dr. Dowdell examined him there at the emergency room?

A I was there. I don't remember if I was in the room, but I was in the emergency room.

Q And then what happened?

A Dr. Dowdell said he wanted to admit him and that he would not put him in intensive care. He would put him in a room so I could stay with

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him.
Q Okay. There at Humana?
A Yes.
Q And what did you say?
A "Fine."
Q What did your husband say?
A "Okay."
Q Did the doctor say why he wanted to admit him to the hospital?
A He wanted to find out what was causing the pain and he wanted to find out what was wrong.
Q Okay. Was he going to do further examinations that evening, the doctor?
A I don't remember. I know they admitted him. He went to a room, and I don't remember what they did that afternoon. I know they x-rayed his chest.
Q About what time of day was this?
A Let's see. It must have been about 5:30 by the time I got home and probably 6:00 or 6:15 by the time he got to the hospital.
Q You know they x-rayed his chest that evening.
A Yes.
Q You don't recall anything else?
A No.

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Q Did he give him any kind of medication for the evening?
A I don't remember.
Q Okay. You spent the evening, spent the night at the hospital with your husband?
A I don't think I stayed the whole night.
Q Okay. What next happened?
A They started testing, doing tests; test, tests, tests.
Q That's the next day?
A And days after that. I don't remember. Seemed like they stayed there for a week or two. I don't remember how long.
Q At Humana.
A Yes.
Q What is the first time that you can remember a doctor telling you or diagnosing the problem, saying, "Here is what I think is wrong"?
A They kept taking chest x-rays and I called Dr. Dowdell and said, "I want to know why they're taking so many chest x-rays." He said, "I was coming over to talk to you," and I said, "I want to know now." And he said, "We found a spot on his lung."
Q On what?

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A Lung.
Q What did they say about the pain in his arms?
A They did several EKG's and said he had a slight heart attack, and they had to wait until he started getting better before they could even tell that it was a heart attack.
Q Tell for sure that it was a heart attack?
A Yes.
Q Okay. And during that period that he was in the hospital, two weeks or so, did you have further conversation with any of the doctors about Mr. Muckleroy's condition?
A Well, I guess I talked to Dr. Dowdell every day.
Q Can you tell me what else he said to you?
A Well, I don't remember. After I found out about the spot that was on his lung, he said "We want to do more tests," and I said, "I want him taken to Houston."
Q Did you specify a hospital?
A No. I just said, "I want him in Houston."
Q Why was that?
A I think we have the best medical facilities in the world in Houston.
Q I do, too, but you didn't say what hospital or

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anything?
A No. I just asked him who would be a good doctor to send him to.
Q Okay. What did Dr. Dowdell respond to that?
A He made arrangements with -- and I'm not going to be able to remember his name and he's on that list. Dr. George somebody.
MR. WATKINS: George Morris?
A Yes, George Morris.
Q He made arrangements for Dr. George Morris to continue his care?
A Yes.
Q And he made arrangements to transfer Mr. Muckleroy to -- It was Methodist?
A Yes.
Q Was Mr. Muckleroy out of the hospital for about a week?
A I believe he was home about a week. They couldn't do anything. They have to wait so many weeks before they could do a bypass. I don't remember what the week was, but there was some reason he had to wait a week to go in there. I believe it was a week.
Q Had you discussed with Dr. Dowdell, before the move here to Houston, a bypass operation?

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A No.
Q When did that first come up? Is that after, after Mr. Muckleroy was in Methodist?
A Yes.
Q Had you discussed with Dr. Dowdell any further the spot on the lungs?
A I wanted him in Houston.
Q Okay. What did your husband say? Did he want to come to Houston?
A Yes.
Q What did the doctor tell him? Did he tell him he had a spot on his lung?
A Which doctor?
Q Dowdell. I'm still in Baytown.
A Yes.
Q Is that when he told him to stop smoking?
A I don't know that he did.
Q Okay. I'm sorry. I thought you had said that all the doctors after this was discovered told him to stop smoking.
A They asked him if he was a smoker.
Q You don't ever remember whether Dr. Dowdell told him to stop smoking or not?
A I don't know.
Q Okay. I guess at this time Dr. Dowdell at

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least didn't tell him to go on any kind of exercise program because he was still too ill. Is that right?

A Right.

Q Did he discuss any change in diet with him?

A I don't know of anything.

Q Was there any indication that Mr. Muckleroy was suffering from anything other than perhaps the spot on the lung and the heart attack at this time? Anything else?

A No.

Q Did Dr. Dowdell tell you whether he believed the spot on the lung was cancerous or not?

A He said it looked bad.

Q Did he tell you or your husband, did he give you any opinion as to what might have caused it?

A I don't remember.

Q Then your husband transferred to Methodist. Is that right?

A Yes.

Q And about how long was he in Methodist before he underwent surgery?

A That's when they had to wait, because they had to wait. I think it was a week. I believe it

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was a week, because it had to be so long after a heart attack before they could do the bypass. May not be that way now, but he had to wait; but they were doing tests and they tested him and started to send him home because of his lung, and Dr. Samuels -- and I can't remember his first name.

Q David.

A David Samuels, he was a cardiology man. He said "If it was me, we can fix the heart. I would go in there and fix the heart and look at the lung." So that's what they did.

Q Did he discuss that with you, Dr. Samuels?

A With both of us.

Q With both of you. Was it sort of -- was he saying, "This is up to you. We'll do it if you want us to"?

A Yes.

Q Was he recommending it be done?

A He just said, "If it was me, that's what I would do."

Q How long did you and your husband discuss it before a decision was made to go that way? Days or --

A No.

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Q Just pretty much there on the spot?
A Right.
Q Okay. Did Dr. Samuels tell your husband to quit smoking?
A I don't know.
Q Do you remember if any of these doctors told him to quit smoking?
A I remember they asked him if he was a smoker. I don't remember any of them saying, "Stop smoking." But they were all very pleased when he did stop.
Q Okay. When did he stop?
A March -- November the 21st, 1980.
Q Oh, he stopped the day he went in the hospital?
A (Nodding head.)
THE REPORTER: Is that "yes"?
A Yes, I'm sorry.
MR. CALDWELL: Thank you.
Q Did he say anything to you?
A He said he came home, sat down in his recliner. He was having the arm pains and he lit the cigarette and he had terrific pain. He put the cigarette out and he never lit another one.
Q Did he take the cigarettes with him to the

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hospital?
A I don't remember.
Q Did he have cigarettes around the house?
A Yes.
Q Did you all just throw them away after that?
A I don't remember.
Q Sort of keep them around as a reminder. Some people do, as I understand, when they quit.
A I don't remember.
Q With respect to the surgery, other than the time when you and your husband discussed whether to go forward with the surgery, did you have any further discussions about what -- about the surgery, what it would show or what it might show?
A He had a blockage. That's why the bypass. They thought his lung cancer was much worse than what it was, and when they told him to go home, they were really sending him home to die and Dr. Samuels suggested the bypass and to look at the lung and this is what they did and the lung was not as bad as they thought that it was.
Q Did you discuss with one of the doctors specifically the concept that when they told

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him to go back on home, it was because they thought his lung cancer was so bad nothing could be done about it?

A No.

Q That was just your impression?

A (Nodding head.)

THE REPORTER: Is that "yes"?

MR. WATKINS: Wait a minute.

A I'm sorry. Yes. I won't do it again, I promise.

MR. WATKINS: You will.

Q Up to the point when you told him to go home this first time, up to that time --

A Yes.

Q -- had any doctor discussed with you and your husband a possible series of chemotherapy treatments?

A Not until after the operation.

Q That's what I mean. Up to the point when they said, "Go on home," up to that point, they hadn't discussed chemotherapy treatments?

A No.

Q Had any doctor discussed radiotherapy treatments up to that point?

A No.

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Q Other than Dr. Samuels, no doctor had discussed the possibility of surgically removing or looking at the lung condition?
A If they discussed it, it was not with me.
Q And your husband didn't relate any such discussion to you. Is that right?
A No.
Q You said "no," and I think I asked a negative question. It is true, isn't it, no one discussed the surgery with you until Dr. Samuels did so?
A That's right.
Q Thank you.

MR. WATKINS: Off the record.

(Discussion off the record.)

Q Had your husband been back to work at all since November the 21st?
A No.
Q Now, after the surgery was performed, can you remember which doctor it was you discussed the lung cancer with?
A Dr. Morris.
Q Okay. And what did he tell you?
A He said he had removed the lower portion of the left lung and that the cancer was not as bad as

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he thought it was and that he had gotten it all.
Q Okay. Did he discuss any sort of prognosis for the future, what might happen in the future?
A He had to go for -- oh, he said he would have to take radiotherapy treatments for precautionary measures only.
Q He said he would have to take them.
A Yes.
Q Did you ask him about radiotherapy, what it was?
A I think someone came to his room and explained it to us, or maybe they explained it to us when we went for the first treatment. Someone explained it.
Q But it was not presented by Dr. Samuels as an option that you had. He was told, "This is going to be part of the treatment."
A Dr. Morris?
Q Excuse me. Dr. Morris.
A As well as I can remember, he said he prescribed the radiotherapy treatments for precautionary measures only.
Q Whether it be Dr. Morris or someone who came to the room, in discussing radiotherapy, did they indicate what sort of side effects you might

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have as a result of that?
A They probably told my husband. I always waited out in the waiting room for him, but he had no side effects.
Q You don't know what they said to him.
A No, not really.
Q Did your husband talk to you about what he had been told about the radiotherapy?
A He would show me where they had marked him and told me what they did and that's about it.
Q And he said it just didn't have any kind of side effects on him?
A Like I said, he was never a complainer, but he never complained about any kind of side effect.
Q And there wasn't anything you noticed.
A No.
Q How long a period of time did he have the radiotherapy treatments?
A I don't remember. It seems like he had to go every day. I don't remember. I know I would take off work at lunch and bring him in and he would get his treatment and I would bring him back, and I can't remember. Maybe two weeks, three weeks. I don't remember. Maybe it was every other day. I really don't remember.

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Q How soon after his surgery or how long after his surgery was it before he returned to work?
A He was in the hospital nine days, and I don't remember how long he was home before he returned to work.
Q Okay. Was he docked for the period of time he was off?
A I don't -- He didn't get paid when he was off sick.
Q He didn't have any sick leave time at all?
A I don't think he ever had any -- I may have taken some vacation time in there, but I don't think he ever got paid for being off ill.
Q Was the radiotherapy while he was still hospitalized? It was not, I gather.
A I think it started while he was still there, I think.
Q And carried over after he was home?
A Yes.
Q Recuperating.
A Yes.
Q What if anything did the doctors say to him when he was discharged from the hospital about changes in lifestyle? Did they suggest he go on a regular exercise program?

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A He was supposed to walk.
Q How? Certain amount each day or every other day or what did they say?
A I don't remember.
Q But he was supposed to go through some sort of walking exercise.
A Yes.
Q Diet, did they discuss any change in his diet at all?
A I had a heart diet. I mean a heart -- I don't remember the name of it, but it was a cookbook for heart patients.
Q But it was given to you by the doctors or recommended to you --
A Somewhere at the hospital. I don't remember where.
Q With a suggestion that you try to, if possible, follow that diet or that sort of menu for him?
A Yes.
Q Forever?
A I don't remember. But his eating habits weren't all that bad. He was a -- He was not a -- He didn't stuff just one particular food. He ate a balanced diet.
Q Sure. But it was your impression that you were

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from that point on, that you were to, as best you could, within reason, follow this heart diet?

A Yes.

Q Of course, he had already stopped smoking. Did they tell him "Don't smoke anymore," or do you know?

A They were very, very pleased that he was a nonsmoker then.

Q Okay. What did he say about it? Did he say he felt better?

A I don't recall him ever saying anything.

Q You never discussed with him the fact that he quit smoking?

A It hurt him so bad when he lit that cigarette up, and he put it out and he -- I thought it was a miracle.

Q And the two of you never discussed it after that, the fact that he had quit smoking?

A Well, I told him how great I thought it was.

Q Gave him as much support as you could.

A Sure.

Q Did he say, "I feel better. My food tastes better," or anything like that?

A I don't remember, but I don't guess you would feel much better with a heart attack and lung

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cancer. How could you feel better?

MR. WATKINS: Well put.

Q Did he say anything about his food tasting different?

A I don't remember.

Q Okay. Did he talk about smoking again?

A No.

Q Just didn't talk about it one way or the other?

A No.

Q Did he ever agree with you that smoking caused the cancer?

A I never harped on it. He had cancer, you know, why should I say --

Q -- what caused it?

A Yes.

Q Did any doctor ever tell him what caused it?

A Like I said, they all asked him if he was a smoker.

Q You don't recall any of them saying, "I think X caused your cancer"?

A I don't recall anybody ever sitting me down and saying, "Your husband has lung cancer because he smokes," no.

Q When the radiotherapy treatment was finished or discontinued, did the doctors discuss that with

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him at all? Did they say whether they thought it had been successful or anything like that?
A It was never discontinued.
Q The radiotherapy was never discontinued?
A He had to go back in every -- Okay. He went back in -- it was discontinued, but he had to keep going back in to be checked.
Q I'm talking about when they stopped the radiotherapy treatment.
A When they stopped it?
Q Yes. What did the doctors say to him at that point? "We're stopping this because we think you have enough," or what did they tell him?
A I don't know. They just said that's all they were going to give him and he had to go back in -- I think it started out once a month and then maybe every other month and then for three months and then it built up to a year.
Q Right. For observation and --
A Yes.
Q -- consultation?
A (Nodding head.)
Q Is that right?
A Yes. I did it again.
Q Can you recall whether at that point the

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doctors told him anything as to the future? Did they say, "It looks like you're cured or looks like you're not cured," or did they say anything about what his long-term prospects were?

A No.

Q Did not say anything. Is that correct?

A Not that I know of.

Q After his release from the hospital in December, 1980, how long was it before he returned to work?

A I really don't remember, but it probably wasn't very long.

Q Can you give me just some sense of that? Was it six months or maybe a month or a matter of weeks?

A Probably weeks.

Q Probably a week?

A Probably weeks.

MR. WATKINS: Weeks, she said.

A I don't remember, but I know it wasn't six months.

Q Somewhere between a few weeks and a month, you think.

A That's a guesstimation.

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Q Yes, ma'am. I see. Was there a particular doctor that he would go back and see, then, periodically or was it just the hospital in general?

A He would go to the radiotherapist and then he would go to Dr. Samuels for a -- maybe -- I don't know whether it was yearly. Yearly checkup, I think.

(Mr. John Golden entered the deposition room.)

Q Was he on some kind of medication during that period of time?

A None.

Q Did he return during that period of time to a fairly normal routine?

A Yes.

Q Let's start with the time after he returned to work and come forward until, I guess August of '83, which is, I believe, the next hospitalization.

A Okay.

Q In that period of time, did he continue pretty much the same routine that he had had before he had become ill?

A As far as working?

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Q As far as working or activities around the house?
A Yes.
Q In what way did his routine or life change in that period of time, if any?
A We went to the mall and walked, and he continued to mow the yard. That was walking, and there was no smoking. Other than that, I guess it was about the same.
Q Okay. Any doctors' visits during that period of time between his return to work and his hospitalization in August of '83, any doctors' visits for anything other than these checkups, like for a cold or anything of that nature?
A I don't remember any.
Q Okay. Did he continue to cough?
A Yes.
Q Pretty much regularly?
A About the same as he had been.
Q Okay. Can you tell me what led up to the second hospitalization in August of '83, what occurred there?
A He went in for his checkup to the radiotherapist.
Q Okay. And what did the radiotherapist say?
A I don't remember exactly what he said. I

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wasn't there, but they wanted to hospitalize him and do some tests.

Q Okay. And right there on the spot they were going to hospitalize him, is that right, or did they say, "We're going to hospitalize him the next couple of days"?

A Alicia was there.

Q That day?

A During that time. And he wanted to wait a week before he went into the hospital, so they waited a week.

Q Why did he want to wait a week?

A We had trees on our house and all over our yard and no electricity.

Q Sounds like a good time to go in the hospital. He wanted to get that taken care of before --

A He got some of it taken care of and then he went into the hospital.

Q That's what he wanted to do, take care of or see to it that the mess that Alicia had --

A It fell on our meter box, so when they turned on the electricity, I wouldn't have had any electricity until the meter box was fixed. He wanted to fix the meter box.

Q Did he fix it himself?

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A Yes. Then he went into the hospital.
Q Who was the primary treating physician at this hospitalization?
A Dr. Morris.
Q Okay. Did he --
A I believe. Yes, it was. It was Dr. Morris.
Q Did he meet with Dr. Morris between the time that the radiotherapist said, "We want to put you in for more tests," and the time he went in the hospital?
A I don't think so.
Q Did he meet with any doctors in that time period in there?
A I don't think so.
Q Okay. Was he feeling about the same as far as you could tell or as far as he was saying? Had there been any change in the way he felt?
A Not that I had noticed.
Q Or not that he had talked about. Is that right?
A Not that he had talked about.
Q Thank you. Were you with your husband when he then met with Dr. Morris after he checked into the hospital?
A Dr. A. What his name is, I don't know. It's

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some long name. I don't believe he's on there. Is there a doctor, starts with an A?
Q On the list that you gave us, no, ma'am.
A There was a Dr. A that came. He was Dr. Morris' assistant in some way, and I don't remember seeing Dr. Morris the second round, but Dr. A always came in.
Q Was this a younger doctor?
A No. Well, he wasn't young, but he was a foreign doctor.
Q I meant younger than Dr. Morris.
A I don't know.
Q What did he tell you, Dr. A?
A They called in Dr. Keith Wilson to do a bron -- You say it.
Q Bronchoscopy?
A Something like that.
Q Okay.
A They called him in to do that, and he did it twice.
Q That was the first test they did on him.
A I don't remember, but they did that.
Q It sticks out in your mind at this point.
A Yes.
Q Was that a painful test?

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A I think he had to be put to sleep to do it.
Q Okay. After he woke up, did he seem to have a sore throat or anything like that? Could you tell?
A I don't remember. I don't remember.
Q "Complain" may be too strong a word, but did he comment on, sort of irritated feeling or pain associated with those tests?
A He just did not complain, and I don't remember him saying anything about it.
Q Commenting on it?
A Just did what he had to do.
Q Okay. Did any doctor discuss the results of those two bronchial tests?
A Dr. Keith Wilson looked me straight in the eye and I said, "Does he have lung cancer again?" And he said, "He does not have lung cancer."
Q And did you ask the doctor anything further?
A I asked him, he said, "No," he said, "he does not have lung cancer."
Q Did you say, "Then why are you running these tests?"
A No. He said, "Something has shown up on his lung."
Q Then what other tests were done there in the

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hospital? This is Methodist we're talking about.
A Right.
Q What other tests were done?
A They may have done other tests, but I don't remember. I just remember those two things.
Q About how long was he in the hospital this time?
A A week, maybe a little longer than a week. Maybe two weeks. I don't know.
Q Did you ask that question of any other doctor in Methodist?
A No.
Q Did you ask Dr. A?
A I don't remember having the opportunity to ask anybody except Dr. Wilson. He's the one that did the operation.
Q You don't remember discussing his condition with any other doctor during that hospitalization?
A Not other than Dr. Keith Wilson.
Q Did your husband say whether he had discussed his condition with any other doctor during that hospitalization?
A I don't remember his saying so.

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Q Okay. Then he left the hospital after a week or a little over a week, and resumed normal activity. Is that right?
A Right.
Q And continued to go back and see the radiotherapist periodically?
A No.
Q No? Okay. Who did he go see or after that hospitalization, who was he to see again?
A No one.
Q No one?
A He started having -- I don't remember how long afterward, he started having pain. I can't remember how it all -- how it all happened, but one day I got on the phone and called all of the doctors and talked to every doctor that he had.
Q This whole list that you've given us here, pretty much?
A No. Dr. Morris.
Q Dr. Wilson?
A Dr. Wilson would not talk to me. The radiotherapist. Seems like -- I don't remember who else. Three or four, five doctors. When I talked to the radiotherapist, he said -- Oh,

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he did have to go to the Scurlock Building and they did a CAT scan.
Q Okay.
A I forgot about that.
Q This was when? After he was --
A After he was out of the hospital.
Q Do you know which doctor requested that?
A No, I don't.
Q Was it very, very close to the time he got out of the hospital?
A I think so.
Q Okay. So he had that CAT scan done. But then he wasn't supposed to go back and see any of these doctors after he was released from the hospital?
A (Nodding head.)
THE REPORTER: Is that "yes"?
A No, no, no.
Q They didn't say, "See me in a month"?
A No. He started having pain and after he had the pain, I started calling everybody.
Q What kind of pain?
A I don't remember where it was. Somewhere in his lung area he started having pain.
Q Chest pain?

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A Yes. Not like heart. Not in the heart but maybe in his shoulder. Somewhere around the lung area. I really don't remember. But that's when I got on the telephone and called all the doctors.
Q What did he say about the pain?
A He just said he had a pain.
Q Did he describe it?
A I don't remember.
Q Okay. I understand.
A So I called -- I called Dr. Keith Wilson two or three times. I left word for him to call me and he would not return my call. I called the radiotherapist and I cannot remember his name, and he said, "He's got lung cancer," and I said -- he said it had returned. I said, "Dr. Keith Wilson looked me straight in the eye and said, 'He does not have lung cancer,'" and he said, "He could not get a positive bronchoscopy," or however you say that, and then I called Dr. Morris and told him what the radiotherapist had said. Oh, the radio -- I said, "How long has he got?" And the radiotherapist said, I think, he said, "Two or three months." So then I called Dr. Morris, and told him what had

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happened and what the radiotherapist had said and he said, "Did he tell you that?" And I said, "Yes, he did." He said, "That's Hollywood. Nobody knows how long he's got."

Q But he confirmed that he thought your husband had lung cancer?

A He didn't say he's got lung cancer, no.

Q What did you do then?

A Then I called Dr. Dowdell. The only way I could get him in M.D. Anderson Hospital was for a doctor to -- through a doctor. I called M.D. Anderson Hospital. The only way I could get him in M.D. Anderson Hospital was through a doctor. I called Dr. Dowdell. Dr. Dowdell made arrangements for him to go in M.D. Anderson Hospital.

Q We're getting ahead of ourselves. His second hospitalization in Methodist was in August of '83?

A Okay.

Q Now, in October of '83, in October of '83 the medical records at least indicate that it was recommended that he undergo another series of radiotherapy treatments.

A I don't remember that.

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Q And that after discussing it, he refused any further radiotherapy treatments.
A I remember it. Okay.
Q Okay.
A The doctor said it would not do any good. It would help with the pain.
Q What doctor said that?
A The radiotherapy doctor.
Q Was this in a meeting with the radiotherapist?
A I don't remember.
Q Okay. You do recall, though, that somebody, one of the doctors did recommend a further course of radiotherapy and that the doctor, that the radiotherapist said it would just help with the pain?
A It would not do any good, but it would help the pain.
Q Okay. Then did you and your husband discuss whether he should undergo any further radiotherapy?
A We decided to go to M.D. Anderson Hospital.
Q Did you ask or tell the radiologist that you wanted to go to M.D. Anderson?
A I don't remember.
Q Did you talk with Dr. Morris about it, then,

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after you decided not to go forward with the radiotherapy?

A As far as Dr. Morris, I think the last time we talked to Dr. -- I talked to Dr. Morris was on the telephone that day.

Q Okay. And you can't recall whether this discussion with the radiotherapist was in person or not.

A No, I don't recall.

Q Okay. And you don't recall discussing other alternative treatments with any other doctor there at Methodist after you decided not to go forward with the radiotherapy?

A They had nothing for him except radiotherapy for pain.

Q I understand that's what the radiotherapist told you. I asked you if you discussed that with any other doctor there at Methodist at that time.

A Discussed the radiotherapy?

Q Or whether or not they had anything further they could do for him there.

A But Dr. Keith Wilson said he had no cancer, so there wasn't anything to do.

Q Okay. Now, again, between the period of time

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or somewhere in this period of time but before he went to Anderson, apparently your husband went to see Dr. Ruth Long, a dietician. Can you tell me how that came to be a doctor that he saw?

A How it came to be what?

Q A doctor that he went to see. Did someone recommend that?

A She had come to Baytown previously and I had attended a meeting, one of her meetings, and I suggested he go see her.

Q Why?

A Well, for vitamin therapy.

Q Did he seem to you to be losing weight or why did you suggest he see her for vitamin therapy?

A He was going to die. I was doing anything I could to help him.

Q Okay. At this point when you suggested that he see Dr. Long, after the radiotherapist had told you that he had lung cancer, was it before you had talked to Dr. Dowdell about getting him into Anderson?

A Before.

Q Did you discuss with any doctor whether or not vitamin therapy might help him?

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A They had given up on him. I was grasping for straws. I did not want him to die.
Q Okay. How many occasions did he see Dr. Long?
A Once.
Q And can you tell me about the diet that she recommended?
A I have a book at home, and it was -- I don't -- it was vitamins and special bread that I baked for him, and I don't remember what all it was.
Q Would you like to take a break for a few minutes?
A No, huh-uh.
Q Are you sure?
A Yes.
Q Do you recall his drinking carrot juice three times a day?
A Yes.
Q And her taking him off the meat, no meat?
A Yes.
Q Can you recall any other details like that?
A I bought the machine to juice the carrots and I juiced fresh carrots every morning.
Q About how long was he on this diet before he --
A He stayed on it until he died, but not -- not strictly. I mean, he did the best he could on

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it.
Q Okay. How long before he went to Anderson did he start this diet?
A I really don't know.
Q Was it some time after he had refused any further radiotherapy treatments?
A He refused radiotherapy treatments because they said it was for pain only, that it would not help him.
Q I'm trying to place a point in time. Was it after that?
A Yes.
Q So it was after October the 19th.
A Okay.
Q I was just trying to get it in sequence.
A Okay.
Q Sometime after October the 19th and before December, December, '83, when he started treatment as an outpatient at Anderson?
A Yes.
Q So it might have been maybe a month before that. Is that right?
A I guess. I don't remember.
Q Is Dr. Long still in Baytown?
A Houston.

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Q Houston. Do you know where?
A About two blocks from Teas Nursery, wherever that is.
Q The Teas out on Bellaire Boulevard or Holcombe Boulevard?
A Yes.
Q What did Mr. Muckleroy say about the special diet? Did he ever comment about it?
A He hated it.
Q Okay. Did he stick to it most of the time?
A Most of the time.
Q Well, seventy-five percent?
A At least that much.
Q Maybe more.
A Yes.
Q In what areas would he not stick to it? Meat?
A He liked the carrot juice. I ground the pills up for him so he wouldn't have to swallow all those pills. He did pretty good because he had never been on vitamins or any of that. Something that he didn't know anything about. He did pretty well on it.
Q Did you go with him to see Dr. Long?
A Yes.
Q Was there any discussion? Did you tell Dr. Long

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that he had lung cancer?
A Yes.
Q What did she say?
A I asked her if she could help him and she said yes.
Q And was that it? Did she say how she could help him? Could she cure it or extend the life or what?
A I don't know.
Q She just said, "I can help him"?
A Yes.
Q Something more than just the pain.
A Yes.
Q And did you discuss the bypass? Did you tell her he had had a bypass?
A I'm sure I told her everything.
Q Do you have any independent recollection now about having told her about the double bypass?
A I don't remember telling her anything in specific, but I know I told her his situation. Probably -- I had to make an appointment and so I'm sure I told her everything on the telephone before we even went over there.
Q Okay. Then you don't recall whether she indicated whether her diet would have any

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effect on any heart condition.
A No. His heart was okay after the bypass.
Q Okay. And he saw Dr. Long only one time.
A That's correct.
Q Did she indicate that he should come back at some future point?
A No.
Q How was it left? Just "Follow this diet and you don't ever" -- How was it left?
A I talked to her a couple of times on the telephone.
Q About what?
A About some of the vitamins that I couldn't find and just to ask her a couple of questions and --
Q Did you ask her how long he had to be on this diet?
A No, I didn't.
Q Did you see an improvement in his condition?
A No.
Q Did you discuss that with her?
A No.
Q Did you ever call her and discuss that? Did you see any deterioration in his condition?
A He lost ten pounds.
Q Was he overweight before that?

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A No. He had a good physique.
Q Did it seem, then, that maybe this diet had caused this loss of weight or did you think about that one way or the other?
A I would imagine that it did, because he didn't eat as much.
Q Okay. I'm going to talk about Anderson next, but let's take a break just a moment. Is that all right?
A Okay.

MR. WATKINS: Sure.

(Break.)

(Joe Sneed appeared for Dan Goforth.)

Q Mrs. Muckleroy, did you go see Dr. Dowdell before your husband was seen by a doctor at Anderson?
A Dr. Dowdell?
Q Yes.
A I called him on the phone.
Q And he made whatever arrangements were necessary and who contacted you after that?
A He made the arrangement and then he contacted me.
Q And you and your husband then went together out to Anderson. Is that correct?

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A Correct.
Q Do you remember who you saw the first day?
A Dr. Carr, C-A-R-R. Is he on there? He should be.
Q He is, the last one. What occurred that first day out there?
A I don't remember everything.
Q Tell me just what you can recall.
A Okay. He said -- I asked him if there was any kind of experimental things going on that they could do, because I don't -- I never told my husband that they said he had two to three months to live. I never told him.
Q Let me interrupt you with it. Did you tell him that they said his lung cancer had come back again?
A Yes.
Q Okay.
A And I asked Dr. Carr if there was any kind of experimental things that they could do on him and he said yes, that they would try chemotherapy, and he didn't say that it would or wouldn't work. He said, "We can try and if that doesn't work, we can try something else." Chemotherapy but different chemicals.

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Q Did you ask Dr. Carr to either confirm or deny whether the lung cancer had come back again?
A I was told that it had.
Q By someone other than the radiotherapist?
A No.
Q Did you ask Dr. Carr to check to see if it had come back again?
A Oh, he did. They took x-rays and they did all kinds of tests and it was back and it had spread and it was in his other lung. I think the radiotherapist told me that when they did the chemotherapy -- when they did the CAT scan, that it had spread to the other lung.
Q Okay. Were you told about any other available treatment other than chemotherapy?
A No.
Q Did Dr. Carr recommend a chemotherapy program?
A Yes, but he said that they could cure some kinds of cancer. Their percentage rate was very high, but it was very poor for lung cancer.
Q And did he leave it up to you and your husband to decide whether to go forward with the chemotherapy program?
A Right.

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Q All of this is happening the first day out there. Is that right?
A Right.
Q Did you and your husband discuss whether to go forward with it?
A We probably decided right there that --
Q Can you remember anything your husband said about the chemotherapy program?
A He agreed to it.
Q Can you remember? Did he ask any questions about it?
A We both asked questions.
Q Can you recall any questions that your husband asked?
A He asked about laser treatment, and Dr. Carr said if it was one pinpointed, but it was all over and the laser treatment wouldn't do any good.
Q Can you recall any other questions that your husband asked?
A I don't remember.
Q Can you recall whether you or your husband asked if there were any side effects from the chemotherapy?
A He told us about the side effects.

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Q What did he tell you?
A He said he would lose his hair, he said -- told us about the vomiting.
Q When you say "told us about the vomiting," I'm not sure -- Can you tell me what he said about the vomiting?
A Exact words I don't remember, but that was one of the side effects.
Q That he would have vomiting immediately afterward or continually or what?
A I don't remember. That's just part of the side effects, that when you have chemotherapy, you vomit.
Q Loss of hair, vomiting. What other side effects?
A I don't remember.
Q Do you remember what side effects your husband suffered?
A The first chemotherapy treatment he had, I don't -- I don't remember if it was that day and it may have been that day, but the man that gave him the chemotherapy looked at what he was giving him and told him he was going to vomit his head off. He did not vomit at all, and he didn't lose his hair as quick as he was

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supposed to have lost his hair, but eventually he did lose his hair, and I can't remember. After a treatment, I think Dr. Carr checked him after each treatment to see if it had done any good or not, and I don't remember how many treatments he had. It was not the full course. I think -- This is what I remember. Might be wrong, might be right. I think there was nine. The series would be nine treatments. He didn't take that many. At first it showed a slight improvement, the next time it showed a slight improvement, and then it did not show an improvement. It wasn't doing any good, and he suggested that he could use a different kind of chemical.

Q Dr. Carr did?

A Yes.

Q And what did you decide?

A My husband said he would rather live, the time that he had left, feeling as well as he could rather than be sick and he didn't take any more treatments.

Q Had he then had some nausea as a result of --

A After the first time he had the vomiting.

Q Any other ways in which it made him

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uncomfortable, the treatment? Any other discomfort other than the nausea and the loss of hair?

A The pain started coming.

Q Was it related to the chemical treatment?

A It was related to the cancer. He said wherever the pain is is where the cancer is. He said it would spread to his brain. Lung cancer goes up. I think he died before it got to his brain.

Q But he started having more and more pain?

A Right.

Q Was he getting any sort of medication for the pain?

A Yes.

Q What was that?

A One was Demerol and let's see. Percodan, I think. The Percodan didn't do much good and he was put on Demerol.

Q Okay. Was there any discussion of the special diet he was on?

A We told him about Dr. Long. He was concerned that he had lost the ten pounds and didn't want him to lose any more weight, but he didn't say to get off of that diet, and he continued to

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take the vitamins.
Q And he continued to stay pretty much on the diet that he was on.
A He kept working.
Q Good. When did he last work?
A He took a two weeks' vacation. He died at the end of the first week of his vacation. He worked up until a week before he died. That's what he wanted to do.
Q Okay. Now, as I understand it, there was no autopsy performed after he died.
A No.
Q Did anyone request --
A I did not.
Q No. Did any of the doctors or medical people request you to permit an autopsy?
A No.
Q Did anyone discuss with you an autopsy at all?
A No.
Q Did anyone advise you --
A Excuse me. Someone may have asked. I don't remember. I don't remember anyone asking. They may have. I don't remember, but I did not want an autopsy.
Q Why is that?

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A I know why he died. I saw his chest x-rays. He had no lungs.
Q No one discussed with you whether or not an autopsy might permit the doctors to learn more about the disease and help people in the future?
A No one discussed that.
Q I want to now talk about as much as you can tell me about his, Mr. Muckleroy's history of smoking. I believe in the Answers to Interrogatories, you indicate that he started smoking -- in the complaint, he started smoking about fifteen.
A Sixteen.
Q Sixteen. How do you know that?
A He told me.
Q When did he tell you that? Was it after he got the cancer?
A Before.
Q Before? Told you he had been smoking since he was sixteen years old?
A Right.
Q Did he tell you how he first began to smoke?
A No.
Q Did he talk about why he first began to smoke?

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A No.
Q His father was a smoker. Is that right?
A That's right.
Q And his mother, did she ever smoke?
A No.
Q As far as you are aware?
A No, she wouldn't have smoked.
Q Do you know what brand of cigarettes he started smoking when he first began?
A When he first began, I don't know. As long as I knew, it was Camels.
Q Prior to that time, when you first met him, I need to explore, just what you can tell me, anything you can tell me. Did he say he had ever smoked a pipe?
A He never said anything about it.
Q Or cigars?
A He would smoke a cigar when somebody had a baby and gave him a cigar, he would puff on it a little bit and throw it away.
Q But he wouldn't go buy any.
A No.
Q Do you know what kind of cigarettes his dad smoked?
A No. His dad smoked cigarettes and occasionally

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a pipe and sometimes a cigar. I don't know what brand any of them.

Q Did he ever talk about when he first started smoking, how it affected him or anything like that?

A No.

Q Did he talk about whether he hid it from his parents or not?

A No. I don't know.

Q Did he say he started smoking regularly at sixteen or that was when he first began to kind of try out cigarettes?

A He just said he started smoking at sixteen. That's all.

Q Did he ever talk about doing so because his friends were smoking?

A He never said.

Q Did he ever give you any reason as to why he started smoking?

A No.

Q Was there anyone, as far as you are aware, that he ever hid his smoking from, teachers or parents or anyone?

A I don't know.

Q When you first met him, Mr. Muckleroy, he was

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smoking Camels. Is that correct?
A That's right.
Q Nonfilter?
A Right.
Q And did he ever change brands during the period of time that you knew him?
A No.
Q Smoked that up until November 21, '80, 1980.
A Yes.
Q Okay. What would be your estimate as to how much he smoked a day in terms of packs?
A A carton a week.
Q A carton a week. Okay. So right around a pack and a half a day.
A Right.
Q Was that a pretty consistent amount or would it be two cartons one week and a carton the next week?
A One carton every week, he would buy groceries and a carton of cigarettes.
Q Where did you buy them?
A We bought them at grocery stores, we shopped the ads and we would go buy groceries at different stores and wherever we bought groceries, that's where we would buy the

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cigarettes.
Q Was there a store or two that you primarily shopped at, like some particular store?
A Not anyone in particular. We just went from store to store to keep from being bored.
Q And to get the best prices, I guess, too.
A Right.
Q Can you give me some examples of stores that you can recall having shopped at?
A Then there was a Weingarten's, there was a Safeway.
Q In Baytown?
A In Baytown. There was a Kroger's, there was a Lewis and Coker, there was a Big G. That's all I can remember right now.
Q And you can remember shopping at all of those at one time or another.
A There was a Texas Super. I think it was called -- I think it was Texas Super then and we would go to all of them.
Q Did he ever tell you why he smoked Camels?
A I don't know.
Q He never said why --
A He just never changed brands.
Q He never said what he liked about them and why

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he smoked those?
A Maybe he liked them because he liked to cough and spit.
Q Did he ever say what he liked about them and why he smoked that brand?
A No.
Q And you never asked him?
A No.
Q You've never smoked?
A Yes.
Q You did smoke?
A When I started going with him.
Q What did you smoke?
A I lit his cigarettes for him because it was so romantic.
Q It is.
A I got hooked.
Q And you were smoking Camels also?
A I was addicted. No. They were too strong. I smoked Kents.
Q Did you ever complain to him about the fact that you were now smoking because of lighting his cigarettes?
A Yes.
Q What did he say?

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A Probably just laughed.
Q But you were serious about it, about being upset that you were smoking?
A Well, it was my fault. I did it.
Q How long did you smoke?
A About a year.
Q And what was the maximum you got up to? Pack a day or half a pack a day?
A Oh, no, but it was extremely hard to quit when I did.
Q About how much were you smoking a day? Four or five cigarettes a day?
A Probably.
Q When? Certain periods of time like after a meal or something like that?
A I don't -- I don't -- I don't know. They made me sick. I didn't like them.
Q Okay. And how did you quit?
A I bought one pack of cigarettes whenever I bought a pack of cigarettes; I bought my last pack of cigarettes. Every time I bought a pack, it was my last pack of cigarettes.
Q And it would stretch out over a longer and longer period?
A I was say it was my last pack, it was my last

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pack and after a hundred times, it is my last pack. I don't know how I quit.

Q You just did?

A I don't know how I quit, but it was very, very hard, but I'm glad I did.

Q Now, you said that also Mr. Muckleroy had tried to quit or had said he wanted to quit or something. Is that right?

A Right.

Q I need to clarify that. Were there times after you knew him that he actually did try to quit?

A Yes.

Q Tell me, one time, two times or three times?

A I don't remember how many times.

Q Okay.

A But --

Q By trying to quit, do you mean just talking about it or do you mean he would actually stop smoking for some period of time?

A He couldn't make it one day.

Q So was there ever a period of time when you knew him when he quit for more than, say, twenty-four hours?

A He couldn't quit for more than one day so --

Q Did he ever go for twenty-four hours without

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smoking?
A No, I wouldn't think so.
Q Okay. Then when you say he tried to quit, would you explain to me what you mean by that?
A Well, he would go for like almost all of one day and then he just couldn't stand it anymore. He had to have a cigarette. He could not make it one whole day without having a cigarette, but he would try. Not every day.
Q Would he say why he was trying?
A Because I loved him and I didn't want him to die and I didn't want him to get lung cancer and I didn't want him to leave me by myself.
Q And you told him that?
A Yes, I told him I could not make it without him.
Q When was the first time you recall him trying to quit? Shortly after you quit?
A Probably after we married.
Q The year that you smoked occurred after you were married?
A Yes.
Q Did he then try to quit shortly after the time you tried to quit?
A He would try; every once in a while he would

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try.
Q What's the first time you remember having that discussion with him where he would try and --
A Well, he would cough and spit, cough and spit and light a cigarette and I would say -- once in a while I would say, "Please stop smoking. That's the way cancer starts, and I can't make it without you. If something happened to you, I just couldn't make it. Please try to stop." And he would try to stop.
Q What I was trying to find out, was that the first time that you can recall that occurring, shortly after you stopped smoking?
A Well, it was -- it must have been after I stopped smoking because I couldn't have been puffing on a cigarette and asking him to quit.
Q Right.
A So it had to be sometime after I quit.
Q As opposed to ten years later after you quit.
A Oh, no.
Q It would have been within a year or two of the time that you first quit?
A Probably.
Q Okay. And that happened every year or so?
A Oh, I would ask -- You mean how often I would

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ask him or how often he would try?
Q Give me both. How often would you ask him?
A Oh, I probably would ask him like -- I don't really know. Maybe once a month. I would think it every day.
Q Okay. And about how often would he try to quit?
A Probably when I asked.
Q About once a month.
A He really wanted to quit.
Q Okay. Did he ever disagree with you about it making him sick?
A I don't -- No, I don't know. He would say he just had a little cold.
Q Did he ever talk about how he felt when he quit? Did he describe to you --
A After he did quit?
Q No. When he would try to quit.
A When he would try to quit?
Q Did he describe what he was feeling?
A He would just say, "I just didn't make it."
Q Did you ever talk about going to a clinic, like Smoke Enders or something like that?
A No.
Q Did he ever try any sort of how-to-quit booklet

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or any kind of course or anything?
A No.
Q Did he say what he missed about it during the day or during the period of time that he tried to quit?
A No.
Q Okay. When he would say, "Okay. Today I'm going to quit," or whatever he would say, would you put away all the ashtrays and throw away all the cigarettes or was it sort of more like "I'm going to try to quit today"?
A He wouldn't tell me -- He would tell me afterwards when he didn't make it.
Q So the ashtrays would still be out and that kind of thing.
A Yes.
Q I assume he never did go try for any hypnosis or anything like that, trying to quit.
A No.
Q Did he ever bum cigarettes from anyone?
A I never saw him do it.
Q How did he feel about people bumming cigarettes from him?
A I never saw anybody doing that.
Q Would he smoke when he first awoke in the

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morning?
A Yes.
Q As soon as he got out of bed?
A Yes.
Q And after meals, would he always light up a cigarette?
A Yes.
Q And were there any other times in particular like that? Right before going to bed, would he smoke a cigarette?
A In the middle of the night he would get up and cough and spit and cough and spit and light a cigarette.
Q I assume when you went out to a restaurant, you would sit at a smoking section to eat.
A Yes.
Q Were there any parts of the house where it was sort of off limits for smoking?
A No.
Q You've told me about things that you've said to your husband about smoking and things and that Tony said to him about smoking. How about his family members? Did Bonnie ever say anything to him about smoking?
A Not that I know of.

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Q I've forgotten. Did she smoke?
A No.
Q Never did?
A No.
Q Any of the friends of yours or anybody's, did they ever say anything to you about his cough or smoking?
A Not that I know of.
Q At the time that his, Mr. Muckleroy's father died of cancer, do you remember the family at all discussed that and talked about -- those members who smoked talk about stopping in respect to smoking?
A I probably said something. I don't remember the exact time or the -- I don't remember saying anything. I probably did. I probably said, "Pappy died of cancer."
Q But you don't remember the family --
A No.
Q -- the Muckleroy family --
A No.
Q -- members talking about that one way or the other?
A No.
Q Mr. Muckleroy died before his wife. Is that

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right?
A Yes.
Q Was there some one of the children who was with her more during that period of time, may have been with her with the doctors and that kind of thing?
A Bonnie.
Q Okay. Did Mr. Muckleroy ever really use the term "addiction"? Did he say, "I'm addicted to these things"?
A Danny Muckleroy?
Q Yes, ma'am, your husband.
A I don't remember it.
Q Okay. You said that you were addicted. What do you mean by that?
A Hooked. You can't quit. Isn't that what addicted means?
Q Well, you worked with a doctor for a while. Are you familiar with the symptoms of heroin addiction?
A We never had any heroin patients.
Q Are you familiar with what those symptoms are?
A What I've seen on TV.
Q That's high fevers, hallucinations. Are you familiar with those as symptoms of --

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A Well, I thought addiction was something that you couldn't quit. I'm addicted to chocolate. Isn't that an addiction? I mean, like I take one bite of chocolate and I have to have all the chocolate I can get. Isn't that an addiction? Maybe I'm using the wrong terminology. I call it hooked on chocolate.
Q Has anybody ever told you that that might be bad for you to have all of that chocolate?
A Sure. That's why I don't take the first bite.
Q So you don't eat any chocolate.
A Once in a while.
Q Okay. Are you familiar with, ever heard the term DT's?
A Yes.
Q You know that refers to alcohol withdrawal symptoms. Is that right?
A Like in the movie "The Lost Weekend."
Q And you're familiar with that includes hallucinating, high fever and sweating, that those withdrawal symptoms include that?
A Yes, like what I said on TV, what they show you on TV is true, that's what I'm familiar with.
Q None with your hospital work or doctor work.
A No.

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Q Okay. Did you go through high fever, hallucinations or sweating when you stopped smoking?
A No.
Q Neither did Mr. Muckleroy, did he?
A When he quit?
Q Yes, ma'am.
A No.
Q Were there any times when Mr. Muckleroy didn't smoke, like when he really had a cold or in a movie? Of course, you said you really hadn't gone to any movies. Can you think of any times when he didn't smoke?
A He smoked less when he had a cold.
Q Okay. How about when he was visiting the hospital when his father was in the hospital?
A I don't remember. We wouldn't have stayed very long, and I don't remember whether he smoked there or not.
Q Okay. How about on the ball field? Did he smoke on the ball field?
A I don't remember.
Q Okay. Did he ever say he missed cigarettes after he quit smoking?
A No.

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Q Never did. Okay.
A No.
Q The complaint in the lawsuit says that Mr. Muckleroy was dependent psychologically on cigarettes. Can you tell me what you mean by that?
A Well, you said addiction is not the right word. There is some reason why people smoke and cannot quit. If it's not addiction, if he's not hooked, if it's not psychological, what makes them keep smoking?
Q Okay. How about dependent socially? Can you tell me what you mean by that?
A Dependent socially?
Q Yes.
A I don't know.
Q You're aware of the warning on the side of a pack of cigarettes, aren't you?
A Yes.
Q Have you ever read those warnings?
A Yes.
Q Did you ever read them to him?
A Yes.
Q What did he --
A On TV.

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Q Did you ever point that warning out to him yourself?
A Yes.
Q What did he say?
A He'd say, "Oh, they don't know."
Q Okay.
A And I believe the first one says, "It's hazardous to your health."
Q Did you point out the change?
A What change?
Q You said the first one said, "It's hazardous to your health." They changed after that, didn't they?
A I don't remember pointing it out to him that frequently. I knew it wouldn't do any good.
Q He would just say, "They don't really know," and keep on smoking?
A Well, it says -- It said at first that it was hazardous to your health. It didn't say "Cigarettes will kill." It didn't say, "Cigarettes will give you cancer." "Hazardous to your health" is rather vague, and he just --
Q But you told him it would give him cancer.
A Yes.
Q He just didn't believe or did he say whether he

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believed?
A I guess most people think other people get cancer; they don't.
Q Did he ever mention whether anybody had, say when he was in school and played baseball as a kid, told him not to smoke?
A Never said anything to me.
Q Did he ever describe his cough as a smoker's cough or smoker's hack?
A Slight cold.
Q Did you ever use the phrase around him, "cancer sticks"?
A Cancer sticks? That's a good one. I never heard that. I'll use it from now on.
Q You really think cigarettes ought to be outlawed, keep them away from people?
A I have no control over anything like that.
Q How do you feel about it?
A I hate cigarettes, I hate tobacco, I hate the smell of somebody else's smoke.
Q Okay. Did he ever refer to his smoking, Mr. Muckleroy, as a bad habit?
A No, I don't remember him saying anything like that.
Q Did you ever point out to him -- of course --

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did you ever say to him, "It makes your breath smell bad, makes your clothes smell bad"? Did you have that kind of discussion?

A Yes.

Q What would he say?

A He would start to kiss me sometimes and I would say, "Tastes like cigarettes."

Q What would he say?

A Probably just laughed.

Q Did he have any kind of health or life insurance that was separate from your work jobs, each of you?

A No.

Q You told me before he had a health insurance policy as did you.

A Did you say health and life?

Q No. Health or life.

A Or life. He did. He had a thousand dollars life insurance policy.

Q Independent of anything through the company where he worked.

A Correct.

Q Did he also have some life insurance at all as an employee or through the union?

A Yes.

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Q Did he have to take a physical for those insurance policies?
A I don't think -- You mean to begin with or annual?
Q Either, at any time.
A I don't think when he first began work, I don't know, because he was working there before I knew him. I don't think they had an annual physical for the employees.
Q Did you ever hear him say or did you ever discuss with him or mention the fact that insurance premiums might cost more for a smoker than for a nonsmoker?
A Never heard it.

MR. CALDWELL: Let me take another break for a minute.

(Break.)

Q Let me go back to something we touched on a little bit earlier. Did Mr. Muckleroy ever say to you that one of the reasons he smoked was because he enjoyed smoking?
A No, he didn't, unless he enjoyed coughing and spitting.
Q Did he ever say to you that it helped him relax?

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A I don't remember him ever saying that.
Q Did he ever give you any reasons why he smoked?
A No.
Q Okay. Did you ever hear him try to talk anyone out of smoking? Did he try to dissuade Tony from smoking?
A Tony never thought about smoking. I don't remember him ever talking about smoking.
Q Do you remember ever receiving any mailings from the American Heart Association at your house?
A Probably after his problems.
Q Any from the American Lung Association?
A I just don't remember.
Q You do remember, though, seeing the anti-smoking advertisements on television, the Surgeon General's warnings and so forth?
A Yes.
Q And you remember discussing those or at least some of them with your husband.
A Yes.
Q Did you ever talk about the Great American Smokeout? Do you remember that once-a-year event?
A Yes, I remember it, but I don't -- I don't

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really remember him saying he wanted to participate or me trying to get him to participate.

Q Did you ever see the movie "Cold Turkey"?

A No.

Q Ever heard of it?

A No.

Q Or the song "Smoke, Smoke Cigarette." Do you remember that from the World War II?

A Yes.

Q Did you see a television program in the '60's with Edward R. Morrow about smoking?

A I don't remember that.

Q Did you and Mr. --

MR. WATKINS: Off the record.

(Discussion off the record.)

Q Did you ever have any discussion or conversation that you can remember with your husband about any kinds of warnings on labels, like herbicide warnings or saccharin warnings or any of those kind of warnings?

A He didn't use saccharin, I did, so there was no need to discuss it with him.

Q Do you still use saccharin?

A Once in a great while, very seldom.

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Q Just in diet drinks?
A Yes, and that's once in a while. NutraSweet is not good for you, either.
Q You don't remember reading labels on drain cleaners or paint or glue or any of that kind?
A No.
Q Do you remember having any conversation with him at all about things that could be dangerous that don't have warnings on the labels?
A We didn't discuss things like that.
Q I didn't think you did, but I needed to ask. I'm not sure I asked you on the record, although I assumed it in a question. Your husband's father was also a smoker.
A Right.
Q And he died of lung cancer in 1972. Is that correct?
A If that's what I put down. I don't remember the exact date. He did have lung cancer.
Q Do you recall how long before his death that his illness was diagnosed? When did he find out that he had lung cancer?
A I don't remember. Maybe a year, maybe two years. I really don't remember exactly.

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Q Was your husband close to his father?
A Yes.
Q Do you know whether they ever discussed the possible relationship between smoking and his father's lung cancer?
A I don't know.
Q Did his father quit smoking?
A Yes.
Q Did he quit smoking before he contracted lung cancer?
A I think it was after. I think -- I'm almost positive he did quit.
Q Do you know whether any of Mr. Muckleroy's, your husband's father's doctors advised his father to quit smoking?
A They told him to quit.
Q Okay. Do you know about when Mr. Muckleroy's brother, Herbert, was diagnosed as having emphysema?
A No.
Q Did anyone ever around you say to your husband that his brother's emphysema was caused by smoking?
A Did anyone say? Anyone?
Q Did anyone, while you were around, did you ever

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hear anyone say to Mr. Muckleroy that his brother's emphysema was caused by smoking?

A He probably has developed the emphysema since my husband's death.

Q Okay. His aunt, your husband's aunt, Vera Watson, died from cancer in 1983. Do you know how long she had -- what period of time there was between when she was diagnosed and when she died?

A No, I don't.

Q Did she smoke?

A I don't know. Did I put that on my paper?

Q I think you said you didn't know on the paper.

A Okay.

Q Okay. Did your husband ever mention any friends or co-workers who had quit smoking?

A I don't remember anyone.

Q Do you recall your husband ever discussing with you or mentioning to you any particular advertisement for Camel cigarettes?

A Well, we really didn't ever discuss anything like that either but --

Q Were there any ads on television, advertisements on television that your husband really disliked, and say, "Isn't that awful?"

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Do you know what I mean, react to an ad in that way? Can you remember that?

A Probably so, but I don't remember anything in particular.

Q How about any that he particularly liked?

A I don't remember anything about that either.

Q You can't recall your husband ever going out and buying a particular kind because of an advertisement for it, can you?

A Well, let's see. There was some kind of a beer he saw on TV that he wanted -- he tried once. It may have been the Lite, it may have been Coors. It may have been Coors, because that's a Texas beer, isn't it? I think he wanted to try Coors one time.

MR. WATKINS: It's a Colorado beer.

THE WITNESS: It's not Texas?

MR. WATKINS: No.

Q Had he ever tried beer before that, beer in general?

A Like I told you, he had a beer about once a month, if that often.

Q So he saw an advertisement for beer and said, "I think I'll try that beer"?

A Yes.

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Q Did he drink that kind of beer thereafter?
A No.
Q Any other advertisement that he particularly enjoyed?
A Oh, he would see things of maybe different kinds of food and he would try, but nothing that -- nothing that I can remember that really stands out.
Q No particular ad or anything?
A No.
Q Did he ever mention any particular cigarette ad to you, cigarette advertisement?
A No.
Q Okay. Did you ever mention any specific cigarette advertisement to him?
A No.
Q When he was watching television, would he normally leave the room during advertisements or sit and watch those as well?
A He would watch them.
Q Did your husband have faith, did he trust medical doctors?
A Yes.
Q Believed they knew what they were doing?
A Yes.

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Q And went about it in a proper way.
A Yes.
Q And if he didn't follow this advice, it was because he decided, as he did with respect to the chemotherapy treatment, that in his own personal, as far as he personally was concerned, he was going to do what he wanted to do. Is that right?
A He followed their advice.
Q Okay. Did they advise him to stop the chemotherapy treatments?
A They said the chemotherapy treatment would not help him except for pain.
Q The chemotherapy?
A Not chemotherapy. The radiotherapy. The chemotherapy, he didn't give them that much help to change the chemicals. He said it might help, might not and the help for cancer, lung cancer, was way down on the list. There's not really much they can do for lung cancer.
Q He didn't believe that they were in any way, the medical profession was in any way trying to mislead him.
A No.
Q You know, in response to Interrogatory No. 3,

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did you have -- Did you have some assistance in drafting these interrogatories or were these pretty much your answers?

A I did it.

Q Okay.

MR. WATKINS: She did better than any client I have. When they sent those things to her, she filled hers out remarkably well. I'm thinking of making a paralegal out of her just like you made out of Mr. Giller.

THE WITNESS: I'll take the job.

MR. CALDWELL: And that's all on the record.

MR. WATKINS: I told you she's a little quick on the uptake.

Q You mentioned a paternal uncle, Allen Muckleroy, Jr., and you make the statement in your answer, "Allen died as an infant, so it's highly unlikely that he was sufficiently affected by tobacco advertisement to entice him to take up this smoking habit." Were those your words?

A No. "Allen died as an infant." I put that on there.

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Q The latter part were not your words?
A No.
Q You don't believe that everybody that starts smoking does so because they're enticed by advertisement, do you?
A To a large degree.
Q To a large degree?
A The Marl -- what is it, the Marl -- the macho man that's so handsome?
Q Marlboro Man?
A Marlboro Man. And "You've come a long way, Baby." No, I didn't start because of that. I started that because I loved my husband.
Q There are a lot of reasons people may start smoking, aren't there?
A Maybe.
Q Peer pressure?
A Yes.
Q Or because it makes them feel grown up?
A I don't know why people start.
Q I've got a few questions here of a kind that Mr. Watkins doesn't like, but if you'll bear with me, we may get this over with.

MR. WATKINS: You're doing a little better, Dick. I'm proud of you.

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Q What sort of aerosol spray apparatus did you use around the house? Did you use spray cans for deodorant?
A No.
Q Or spray paints?
A Oh, occasionally.
Q Those cans that you shake up and spray?
A Sometimes, but not all that often.
Q Or you said you painted probably every three years or so. Can you tell me about what percentage of that time might have been with the aerosol cans?
A None.
Q None?
A Not in the house.
Q What would you have used that for?
A A roller and a brush.
Q I'm sorry. What would you have used the spray can for?
A Oh, well, maybe a lawn chair or I used more of that than he did. I was the painter, and I'm trying to think. I can't remember anything, but I know I have used it, but I can't think of anything in particular other than a lawn chair, metal lawn chair.

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Q Do you remember any of the warnings on the spray cans?
A They tell you not to throw them in the garbage. They'll explode.
Q Anything else?
A No.
Q Did you ever throw them in the garbage?
A No.
Q Never have?
A In the garbage that was picked up but not to burn.
Q But you did throw them in the garbage that was picked up?
A Yes.
Q You mentioned that Mr. Muckleroy's diet, before he went on the diet, his normal eating habits were pretty well balanced, as I recall you saying.
A Correct.
Q He ate red meat. Is that right?
A Occasionally.
Q And fish occasionally?
A Occasionally.
Q And chicken occasionally?
A Right.

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Q Is that what you would call a balanced diet?
A And vegetables and fruit and cereal.
Q And I'm going to ask you about them.
A Well, you stopped with three meats as a balanced diet.

MR. WATKINS: Let me tell you a funny -- That reminded me.

MR. CALDWELL: We can go off the record.

(Discussion off the record.)

Q You were saying that he ate red meat occasionally.
A Right.
Q What kinds? Beef?
A Yes.
Q Duck?
A No.
Q Pork?
A Is that red meat?
Q It's pretty red.
A Is it?
Q What sort of red meat did he eat besides beef?
A What other kind of red meat is there? I don't know.
Q Did he eat liver?

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A No. Didn't like liver.
Q So it would be roast beef and steak.
A Right.
Q And hamburger.
A Yes.
Q About how often? Once or twice a week maybe?
A Probably.
Q Did he carry a lunch?
A Sometimes he did and sometimes he ate out of the machines at work.
Q Those sandwich machines things?
A I don't know. Whatever they have.
Q Cans of soup?
A Cans and stuff.
Q When he would take a lunch, what would he take for lunch?
A He always fixed his own lunch.
Q You don't have any idea?
A Sandwiches.
Q Sandwiches. Did he like fish?
A He liked -- Yes, he liked fish.
Q About how often would you have fish?
A Oh, probably -- I don't know. Once a week, once every other week, something like that.
Q When I say "fish," I really think of seafood in

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general. Are you including things like shrimp and crabs?
A Yes.
Q Or crabs in your thinking on that?
A No crabs. We never did eat crabs.
Q Just shrimp and fish?
A Yes.
Q He never fished?
A Never fished.
Q So just fish that you bought at the grocery store?
A Yes.
Q Any particular kind of fish that was his favorite?
A No, I don't know of anything in particular.
Q Fruits and vegetables, you said he ate both of those?
A Yes.
Q Can you tell me his favorite vegetables?
A He ate raw salad almost every meal except breakfast.
Q Lettuce and tomato?
A And carrots and cucumbers and celery. He liked celery and bell pepper.
Q How about cooked vegetables?

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A He liked potatoes and green beans and tomatoes. That's raw, though. And beans. What other kind of vegetables are there?
Q I don't know. Asparagus?
A Asparagus.
Q Rutabaga?
MR. WATKINS: Now we're --
Q Brussel sprouts?
MR. WATKINS: Rhubarb.
A I don't know what rutabaga is. He ate most vegetables.
Q Fruit?
A Loved fruit.
Q Eat that pretty much every day?
A Yes.
Q What kinds?
A He liked bananas, oranges, apples and grapes, pineapple.
Q Fresh or canned?
A He liked that frozen pineapple. It's in chunks. You buy it from the Swan man. It was just like fresh. He liked that. Fresh fruit, not canned.
Q What kind of bread?
A White and whole wheat and cornbread, loved

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cornbread.
Q Would he eat bread pretty much with every meal?
A Yes.
Q Cereal.
A Ate cereal.
Q What type?
A Different kinds, oatmeal and different kinds.
Q Cold cereals?
A Some and some was hot.
Q What kind of cold cereal?
A Gosh, I don't know.
Q K brand? Ate pretty much every day, some cereal?
A No.
Q Sausage?
A Occasionally.
Q Once a week maybe?
A Probably not that often.
Q Bacon?
A Occasionally.
Q Once or twice a week?
A He didn't eat breakfast except on weekends. Sometimes he would have bacon.
Q Okay. One more diet question. Did he eat smoked foods like smoked meats or smoked

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turkey, smoked sausage, that kind of thing?
A Ate barbecue once in a while but not that often.
Q Did he mention to you any fellow employee or ex-classmate or a friend of his or anyone like that who was alleging an injury due to asbestos?
A I don't remember anything.
Q Okay. Now, again I appreciate the information you gave us in Answers to Interrogatories. I want to try to broaden it just a little bit, if you know. With respect to his first cousins and his nieces and nephews, do you know if any of those have cancer or heart trouble? "His" being Mr. Muckleroy's, your husband's.
A Any of his cousins?
Q Any of his first cousins or nieces or nephews.
A I don't know of anybody.
Q Is it possible there are some but you just don't know them or know that they are ill?
A There are some that live here in Houston. I would know those, but I don't know all of his relatives.
Q But you're not aware of any heart or cancer or lung disease among any of his cousins, nieces or nephews?

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A No.
Q Are you aware of any sort of hereditary problems, physical problems in the Muckleroy family at all?
A No.
Q Anything from one generation to another?
A No.
Q Okay. Did you have any kind of like a Muckleroy family BIBLE or family tree or anything like that?
A I have genealogy work on the Muckleroy family that I did while I was working on mine.
Q When was that?
A I've been working on mine for fourteen years, and couldn't get anywhere on it so I started working on theirs.
Q Did you get further along on it?
A On theirs.
Q If your counsel permits you to do so, would you mind letting us have a copy of that?
MR. WATKINS: Why don't you send me what you have on the Muckleroy family. I don't think --
Q Or let him see it.
MR. WATKINS: I don't think what

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you've done on your own family would be particularly important.

THE WITNESS: I don't have anything on mine, not even my mother.

MR. WATKINS: Send me what you have, and I'll talk to you about it.

MR. CALDWELL: Thanks.

Q You're not from the Houston area initially, are you?

A I'm from Sealy.

Q Right.

A And then I've lived in Houston a short time and Baytown, so I am from this area.

Q Do you have any family members, your side of the family, your family live in the Houston area?

A I have no family.

Q Okay.

A Other than my dad and he's adoptive. He's my adoptive dad, yes.

Q But you don't have any brothers or sisters who are --

A I have no brothers or sisters.

Q I think I know the answer to this, but I need to ask it anyway. Did Mr. Muckleroy ever have

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occasion to use narcotics other than after he became ill?

A No.

Q Are you aware of his ever having applied for any life or health insurance and having been turned down?

A No.

Q Okay. Prior to the time that he died, did you talk to him or did he talk with you about the possibility of a suit like this?

A No.

Q Are you aware of any insurance of his that was ever canceled?

A No.

Q Can you give me an estimate about how much income your husband lost while he was sick before he died?

A No, I don't know.

Q You haven't done any kind of analysis on that?

A No, huh-uh.

Q Did you ever hear your husband mention the Council for Tobacco Research?

A No.

Q To your knowledge, did your husband ever hear of the Counsel for Tobacco Research?

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A I don't know.
Q You said your husband didn't read. He didn't read any scientific journals or anything like that?
A No.
Q Do you know whether your husband ever heard on television any statement by any representative of the Council for Tobacco Research?
A I don't know.
Q Okay. Have you ever heard of the Council for Tobacco Research?
A Not that I remember.
Q Have you ever discussed with anyone other than maybe your counsel and me right now the Council for Tobacco Research?
A No.
Q Okay. Now, you've read some scientific journals, I know. You said some. Maybe SCIENTIFIC AMERICAN. Do you recall ever having read any publications by the Council for Tobacco Research?
A No.
Q Have you heard about any articles in any such publications?
A No.

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Q Do you recall ever having heard a statement by like on television or in person by any representative for the Council on Tobacco Research?
A No.
MR. CALDWELL: Let's go off the record a minute.
(Discussion off the record.)
(Break.)
Q Mrs. Muckleroy, did you ever hear your husband mention the Tobacco Institute?
A No.
Q To your knowledge, did your husband ever hear of the Tobacco Institute?
A I don't know.
Q Do you know whether he listened to any representative of the Tobacco Institute on television?
A I don't know.
Q Have you ever heard of the Tobacco Institute?
A Not that I remember.
Q Never discussed the Tobacco Institute with anyone other than perhaps your lawyer?
A Right.
Q You don't recall ever having seen a

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representative of the Tobacco Institute on television or read an article by them. Is that correct?

A I may have seen them on TV, but if I did, I don't remember it.

MR. WATKINS: Off the record.

(Discussion off the record.)

Q Did you review anything prior to coming over here for your deposition?

A Anything what?

Q Anything, answers to your complaint, anything.

A No.

Q You brought a folder to the deposition. Is that --

A That's my copy of that, in case I had to look up something that you asked me.

Q Have you discussed this lawsuit with anyone other than lawyers for you?

A Just my friends. I haven't discussed it. I've just told them about it.

Q But other than just mentioning the suit, you haven't discussed it with anyone other than your lawyers.

A No.

Q You have a friend here with you today in

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addition to your lawyer. Would you tell us his name, please?
A Steve Neihaus, N-E-I-H-A-U-S.
Q And why is he here?
A He's my instructor at Lee College, photography and art instructor, and he offered to come with me so I don't have to come by myself.
Q Have you ever discussed with anyone in Mr. Muckleroy's family his smoking habits or history or anything about his smoking in the years before you knew him?
A The years before I knew him?
Q Right.
A How --
Q Have you ever discussed with anyone in his family his smoking habits before you knew him or his --
A I asked -- Excuse me.
Q Go ahead.
A I asked Bonnie if she knew how he started smoking.
Q What did she say?
A She didn't know.
Q Did you ask her what he had smoked, what brands he had smoked?

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A No.
Q Speak now or forever hold your peace. Thank you very much.
A Thank you.
MR. WATKINS: Thank you, Richard. I'm glad we got through with it.

_____
LEONA PEARL MUCKLEROY

THE STATE OF TEXAS :
COUNTY OF HARRIS :

Subscribed and sworn to before me, the undersigned authority, by the witness, Leona Pearl Muckleroy, on this, the _____ day of _____, 19__.

_____
Notary Public in and for
Harris County, T E X A S

My Commission Expires:

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THE STATE OF TEXAS :

COUNTY OF HARRIS :

I, Carol L. Davis, a Certified Shorthand Reporter and Notary Public in and for Harris County, Texas, certify that the caption to this deposition correctly states the facts set forth therein; that the examination of the witness named in said caption was correctly reported in shorthand by me at the time and place and under the agreement set forth in said caption and has been transcribed from shorthand into typewriting under my dictation and supervision in the foregoing transcript.

I further certify that charges for the preparation of the foregoing completed deposition are $ 575.16 for the original transcript, charged to Attorney for Defendant R. J. Reynolds Tobacco Co.

Given under my hand and seal of office, on this, the 23rd day of June, 1986.

Carol L. Davis

CAROL L. DAVIS, CSR, RPR
Notary Public in and for
Harris County, T E X A S

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7715 Westview
Houston, Texas 77055
713/461-3804

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